

BASES OF MAGNATIAL POWER IN LATER FIFTEENTH-CENTURY SCOTLAND

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ABBREVIATIONS

| | |
|---|---|
| Brown, 'Bonds of Manrent' | Brown, J.M., 'Bonds of Manrent in Scotland before 1603' (Glasgow University Ph.D. thesis, 1974): |
| Cowan, <u>Parishes</u> | Cowan, I.B., ed., <u>The Parishes of Medieval Scotland</u> (SRS, 1967) |
| Craig, <u>Jus Feudale</u> , | Craig, Sir Thomas of Riccarton, <u>The Jus Feudale</u> , 2 vols., trans. J.A. Clyde (Edinburgh, 1934) |
| Dunham, <u>Lord Hastings' Retainers</u> | Dunham, W.H., <u>Lord Hastings' Indentured Retainers 1461-1483</u> (Connecticut, 1970). |
| Dunlop, <u>Kennedy</u> | Dunlop, A.I., <u>The Life and Times of James Kennedy, Bishop of St. Andrews</u> (Edinburgh, 1950). |
| <u>EHR</u> | <u>English Historical Review</u> |
| Grant, 'Earls and Earldoms' | Grant, A., 'Earls and Earldoms in Late Medieval Scotland, c.1310-1460' in <u>Essays Presented to Michael Roberts</u> , edd. J. Bossy and P. Jupp (Belfast, 1976). |
| Grant, 'The Higher Scottish Nobility' | Grant, A., 'The Higher Nobility in Scotland and Their Estates, c.1371-1424' (Oxford University D.Phil. thesis, 1975). |
| Jervise, <u>Land of the Lindsays</u> | Jervise, A., <u>History and Traditions of the Land of the Lindsays in Angus and Mearns</u> (Edinburgh, 1853) |
| Kelley, 'The Douglas Earls of Angus' | Kelley, M.G., 'The Douglas Earls of Angus; a Study in the Social and Political bases of Power of a Scottish Family from 1389 until 1557' (Edinburgh University Ph.D. thesis, 1973). |
| Lindsay, <u>Lives of the Lindsays</u> , | Lindsay, A.W.C., 25th Earl of Crawford, <u>Lives of the Lindsays, or a Memoir of the Houses of Crawford and Balcarres</u> , 3rd ed., 3 vols. (London, 1858). |
| NLS | National Library of Scotland |
| NRA | National Register of Archives of Scotland |
| Rodger, <u>Feudal Forms</u> | Rodger, W., <u>The Feudal Forms of Scotland Viewed Historically</u> (Edinburgh, 1857). |

| | |
|---|---|
| Rylands | John Rylands Library, University of Manchester. |
| Sanderson, <u>Rural Society</u> | Sanderson, M.H.B., <u>Scottish Rural Society in the Sixteenth Century</u> (Edinburgh, 1982). |
| SRO | Scottish Record Office |
| SSFC | <u>Scottish Society in the Fifteenth Century</u> , ed. J.M. Brown (London, 1977). |
| <u>Three Chronicles</u> , ed. Gairdner | <u>Three Fifteenth-Century Chronicles</u> , ed. J. Gairdner (Camden Society, 1880). |
| Watt, <u>Fasti</u> | Watt, D.E.R. ed., <u>Fasti Ecclesiae Scoticae Medii Aevi ad annum 1638</u> (St. Andrews, 1969). |
| Webster, <u>Sources: Eleventh Cent. to 1603</u> | Webster, B., <u>Scotland from the Eleventh Century to 1603</u> (London, 1975). |

Other abbreviations used conform to the list of 'Abbreviated Titles' in Scottish Historical Review, xlii (1963).

All money is given as £ Scots unless otherwise stated.

Place-names and personal names have been rendered, so far as possible, in a modern form. Place-names which have evaded identification are given in italics. Personal names have been modernized with the assistance of Black, Surnames and the choice of form determined by the frequency of occurrence in The Phone Book, Section 313, Edinburgh and Lothians (1986). Those with no certain modern form have been left unaltered and, though not in italics, are, I hope, obvious.

Dates falling on or between 1 January and 24 March have been rendered as '22 February 1476/7' and so on, on the assumption that old style computation was invariably used.

ABSTRACT

The wholesale restructuring of the higher nobility, which was largely effected between the mid-points of the fourteenth and fifteenth centuries, left Scotland with a body of secular magnates whose regional spheres of influence were not as obvious or clearly defined as hitherto - either territorially or in terms of the men upon whom they depended and through whom they acted. The exercise of local power - the magnates' chief governmental function - was made still less easy by the fall in revenues and decay of feudal ties which afflicted landlords throughout western Europe during the later middle ages. With a view to assessing how swiftly the magnates contrived to come to terms with these difficulties, an examination of the affinities - the networks of clients and servants - and the financial resources of three great lords of the later fifteenth century has been undertaken. This deals with the fifth earl of Crawford (1461-1495), the first earl of Morton (1458-1493) and James III's brother, the duke of Albany (1467-83), and involves the identification and classification of the men who served and associated with them, and an estimate of each magnate's gross income. Some confirmation emerges for the view that lord-man relationships were no longer based chiefly upon tenancy. Financial constraints ensured that relationships wherein the man was provided with any sort of material reward for his service involved only a small proportion of the affinity - generally that part in most regular association with the lord. There is less certain indication in the case of these three magnates that non-feudal contracts between lords and men (bonds of manrent and

maintenance) or the agnatic kinship group - which were to become the principal instruments through which regional authority was exercised - were yet of great significance. The three affinities seem somewhat narrowly-based, and there is little to suggest that these magnates enjoyed comprehensive power within their several localities.

VII.

DECLARATION

This present thesis is, in its entirety, my own work.
Neither wholly nor in part has it previously been
published.

ACKNOWLEDGEMENTS

There are various people whose efforts have eased, or in some cases made possible the completion of this work. My thanks are offered initially to my supervisors, Professors Gordon Donaldson and Geoffrey Barrow. The latter has enjoyed, if that is the right word, a rather longer period of responsibility for my endeavours than the former, but I have benefited from the guidance and attention of both. My peers, past and present, in the Scottish History Department of this university also merit my thanks, although I suspect that their contribution has normally had a character more social than academic. I should single out from them Dr. James Brown, who spared me the evil of proof-reading.

The staffs of the Scottish Record Office, the National Library of Scotland and the John Rylands Library in Manchester have lacked neither efficiency nor courtesy in dealing with my requests and enquiries. I am grateful in particular to Miss Glenise Matheson of the Rylands Library and also , for kindly allowing me access to his forbears' writs, held by the same library, to the earl of Crawford and Balcarres.

I am indebted to Mrs Doris Williamson for her swift and accurate completion of the typescript and for keeping her threats of violence below the level that was justified.

My thanks are due to my family and to the University of Edinburgh for their provision of financial assistance. I owe an enormous debt to my parents, Harry and Molly Kelham, and my brother Tony for their support both tangible and

intangible. Even they, however, should concede top billing to my sister and brother-in-law, Mary Adèle Kelham and Dr Michael Lewis. Without their help the following would assuredly not have been a possibility.

CHAPTER ONE

INTRODUCTION

Scotland in the fifteenth century was governed with the assistance of consensus between the crown and the magnates. This was not merely a principle, common to the kingdoms of medieval Europe; it was also, allowing for the occasional upsetting of the balance, the practice. From the magnates' point of view the essence of the consensus lay not so much in the part they played in central government, even though it is perfectly true that a few of the nobility would serve regularly on the royal council and take up governmental office,¹ and all would attend parliaments, if only for their opening stages.² The essence lay rather in the delegation of regional authority to the magnates. This was seldom formal in character: the sheriffs were more often lairds than lords, the concept of the 'leading of the men' of an earldom was obsolescent³ and the office of royal lieutenant in the north created in favour of the earls of Huntly⁴ bears comparison only with the longer-established wardenships of the march⁵ - three in number, but rarely in the hands of three individuals. In general, the delegation of authority was achieved tacitly - the transmission of royal authority to the regions simply fell to the magnates: 'in the locality who better - indeed, who other - to maintain royal authority than the nobles with their pre-eminent position.'⁶

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1. A.L. Brown, 'The Scottish "Establishment" in the Later 15th Century', JR (1978), 95-97.
 2. Grant, Independence and Nationhood, 168-9.
 3. Ibid., 136, 155.
 4. RMS, ii, no. 2036.
 5. Grant, Independence and Nationhood, 155.
 6. J.M. Brown, 'Taming the Magnates?' in The Scottish Nation, ed. G. Menzies (London, 1972), 57.

As agents of royal authority in the locality, the magnates carried out on a more restricted geographical scale the functions vested in the monarchy. The chief, and arguably the only crucial task of medieval government, barring the necessity to defend the realm, was to maintain order. This meant, in effect, the affording of protection and the administering of justice, and at a local level men naturally looked in the first instance to a given lord for the provision of these intangible but indispensable commodities. When the kingdom did require defending it was the magnates who provided the king with the greater part of his host, each assembling from his own sphere of influence those men who saw him as their lord.⁷ In parliament and the court - the points of contact between the centre and the regions - the magnates were practically the only representatives of the locality, and it was through them that local concerns were aired.⁸ The fundamental importance of the higher nobility in governing Scotland has been made clear enough in recent writings on the subject. The explanation of their importance is no less apparent; the observation made in respect of Scotland's nearest neighbour that 'a monarchy with no standing army, no police force, only the most exiguous of bureaucracies and with only limited, rigid financial resources ... could not govern without the local influence and authority of the aristocracy' might well be taken as having wider application.⁹

7. Wormald, Court, Kirk and Community, 15.

8. Ibid., 19; Grant, Independence and Nationhood, 167-8.

9. J.R. Lander, Crown and Nobility 1450-1509 (London, 1976), 56. 'Rigid', it should be said, is not an adjective particularly appropriate to the financial resources of James IV, at least.

None of this is to suggest that the Stewart monarchy was in any significant regard weak; it was expected and accepted that the king should be master in his own kingdom. The arguments which lie behind this statement need not be rehearsed here in full,¹⁰ but it is worth pointing out whither magnatial power did not extend. The magnates' opportunities to exercise control over the king were sporadic, and were confined to periods of royal minority. Their ability to prevent an adult king from being master in his kingdom was matched by their interest in attempting to do any such thing - both were negligible. Any member of the higher nobility would, no doubt, merit being addressed as 'hie and mychty' but the gulf between such a description and the existence of that bogeyman, the overmighty subject, is demonstrably huge. The need to leave local power in the hands of the magnates did not create difficulties for the crown. Once thought of as posing some sort of threat to the Stewart monarchy in the later middle ages,¹¹ the magnates, it has been shown, were normally happy to co-operate with the king and were neither equal to the task of defying him nor enthusiastic about engaging in open rebellion. It would be easier to justify a view of the magnates as subject to the powers of manipulation and exploitation enjoyed by the fifteenth-century Stewart kings.

In their most extreme form these powers extended to destruction with impunity. For James I and James II to perceive a threat in the concentration of estates and titles

10. They can be found in Brown, 'Taming the Magnates?'; J.M. Brown, 'The Exercise of Power' in SSFC, 33-51; Wormald, Court, Kirk and Community, 3-26; Grant, Independence and Nationhood, 147-70.

11. 'The Scottish story is thus a long catalogue of unruly subjects and kings who never quite succeeded in making their authority accepted' is a statement representative of the older view: D. Hay, Europe in the Fourteenth and Fifteenth Centuries (London, 1966), 136.

in the hands of single magnate families - which is not to say that such a threat existed - meant the removal of the said magnate families. The Stewart cadets and the house of Douglas of that ilk were liquidated with remarkable efficiency, and without provoking notable opposition from the political community as a whole. James III's assault upon his brothers, the duke of Albany and the earl of Mar, eventually rebounded on him, but at the time must have seemed yet another example of the Stewart kings' capacity for ruthless and swift enforcement of their own will. Attended by still less fuss, but nonetheless impressive in their demonstration of the geographical extent of royal power, were the separation of the Sinclairs from their earldom of Orkney,¹² the denial of the Erskine claim to the earldom of Mar, and the stripping of their earldom of Ross and later their lordship of the Isles from the Macdonalds of Islay. Forfeitures, coupled with escheats of a less dramatic sort, served to hasten the completion of a long-drawn-out process which saw the creation of a peerage and the wholesale restructuring of the higher nobility - a comprehensive change in titles, estates and personnel whose long-term significance for the administration of the localities is hardly to be over-estimated. To these expressions of the crown's ability to manipulate may be added the increasingly vigorous assertion of royal rights which is to be observed during the second half of the fifteenth century. This, to a large extent based upon the strict application of feudal law - which in the case of James III drifted into the breaking of feudal law - represented a determination to improve the crown's financial

12. B.E. Crawford, 'The Earls of Orkney-Caithness and their Relations with Norway and Scotland: 1158-1470' (St. Andrews University Ph.D. thesis, 1971), pp. xviii, 343.

position. Its main products were the act of revocation and the scrupulous identification ^{both} of alienations which permitted the king to exercise his right of recognition and of periods of non-entry.¹³ Thereby were the magnates prevented from exploiting the minorities to which the Stewarts were habitually subject, punished for attempting to evade payment of relief by failing to obtain infeftment in all or part of their inheritance; and deterred from raising cash by the sale of more than half of a given fief without first obtaining - and paying for - royal confirmation of the conveyance. Landlords' freedom of action was further restricted by an act of parliament preventing them from distraining their tenants in order to repay debts.¹⁴

There is no cause, however, to replace the myth of the overmighty subject with an equally insupportable tale of unrestrained and tyrannical kings. Had the Stewarts generally failed to provide good government they would not have obtained the widespread support and co-operation which they undoubtedly enjoyed. Only James III threatened to upset the balance, and even he was not allowed an entirely free hand; parliament was able to manoeuvre him away from his intended military enterprise on the continent in 1474 and deny him the forfeiture of a score of Berwickshire freeholders after the expulsion of Albany in 1479. More significant is the fact that his defeat and death at the hands of the rebels in 1488 was followed not by the ruin of his house but by the coronation of his son. That the governmental consensus involved a measure of either co-operation

13. Wormald, Court, Kirk and Community, 10-11.

14. APS, ii, 96.

or acquiescence on the part of the magnates in assaults upon the persons and property of members of their peer group reflects the individual ability of three of the first four Jameses and the general great esteem in which the monarchy was held. It also reflects a belief that the financial well-being of the crown assisted the financial well-being of the country¹⁵ - at a time of economic contraction it ensured that the king had no need to ask for taxation and, more especially, improved the king's capacity to provide material patronage. Whereas in England it appears to have been possible to build up support for a challenge to the reigning monarch with the lure of reward in the event of success, the attitude in Scotland was oriented more towards supporting the king with a view to gaining reward once a given 'victim of Stewart aggression'¹⁶ had been dealt with. The Stewarts certainly did not retain all that they accumulated - to have done so would have risked the creation of power vacuums by the over-stretching of direct royal authority. This was generally avoided by ensuring that the localities remained locally administered. Thus were the earls of Argyll and Huntly built up upon the ruins of the lordship of the Isles, the earldom of Ross and the northern Douglas earldoms. The reign of James III neatly expresses how difficult it was for a monarch of the house of Stewart to engineer his own downfall. Twenty years of capricious and high-handed rule produced a response from fractions of the political community on just two occasions. James managed to extricate himself with a display of considerable political skill

15. Ibid., 42.

16. Wormald, Court, Kirk and Community, 11.

from the earlier, and perhaps more serious crisis of 1482.

The rebellion which James faced in 1488, had its success assured only by the king's more or less accidental death; and ought, with a display of greater patience, to have been withstood. Its origins, significantly enough, lay in part in James's interference in the exercise of local power - his failure to leave Lords Home and Hailes to fill the vacuum left in the south-east by the forfeiture of the duke of Albany.

The focus of each magnate's power should therefore be taken as the locality in which each was based. Even those few members of the higher nobility who habitually played a part in central government spent most of their time away from the capital and were chiefly concerned with the exercise of power within their regional sphere of influence.¹⁷ There was normally no direct interference from the centre in the administration of the locality and the magnates were left to perform their allotted role. This is not to say, however, that no doubt attaches to the capacity of the fifteenth-century magnate for carrying out the task of transmitting central authority to the regions. Local magnatial power bases may be summed up quite simply as land and men; from the former they drew their revenue and through the latter their estates were administered and their influence and authority were maintained. However, this simple statement disguises a situation of complexity and change. In general neither estates nor the means by which men were tied to lords retained at the end of the fifteenth century the characteristics displayed at the century's beginning.

17. Ibid., 14.

Though changes were underway before 1400, it was the case that at the start of the fifteenth century the bulk of Scotland's earldoms were still of a provincial type. That is to say, the historical earldoms which corresponded to a clearly-defined geographical region still preponderated. By 1460 this was no longer so. Most had been swept away, or were annexed to the crown, and in their place stood a body of mainly honorific earldoms, which consisted of scattered estates, unified by seemingly randomly chosen titles. If visitors to late-medieval England could be impressed with the irrelevance of the styles of many lords,¹⁸ it is plain that there would have been similar cause for comment in Scotland. A policy of conscious symbolism might even be read into the allocation of misleading names like Crawford, Huntly and Morton to late-medieval peerage creations. For the most part provincial earldoms survived in little more than style - the earldoms of Angus, Buchan and Mar had only a tenuous connexion with the provinces from which they took their names. After 1401 the baronies held as subtenancies of earldoms and lordships which fell to the crown were to be held in chief of the crown, even though the earldom or lordship were later granted to one of the lieges.¹⁹ At least one surviving, true provincial earldom - March - was significantly altered as a result, with large chunks of tenantry, including even non-baronial tenements, being withdrawn therefrom.²⁰

The demise of the provincial lordship was accompanied by the creation of a peerage during the late fourteenth and early

18. Hay, Fourteenth and Fifteenth Centuries, 99.

19. Grant, 'Earls and Earldoms'; Independence and Nationhood, 122-4.

20. Ibid., 123; RMS, ii, nos. 512-13, 525, 529, 585, 588, 596.

fifteenth centuries. The earls were once distinguished by wealth as well as title from the two thousand or so freeholders who, at its broadest definition, could be considered to have made up the Scots nobility. The earls of the later fifteenth century were merely the higher tier, or second highest if occasional dukes were taken into account, of a structured peerage which included a new category of 'lords of parliament' and which, in terms of wealth, covered a fairly narrow spectrum. The honorific earls and the lords of parliament had been raised out of the amorphous baronage and given rank without additional wealth. With titles vested in persons and families rather than accompanying the tenure of the historic provincial lordships, a given peer's relative wealth depended upon what he already possessed. Since a large degree of homogeneity in landed resources prevailed among the members of the new peerage there was no clear distinction in wealth between earls and lords. There was not even a clear distinction of this sort between peers and those who remained among the lairds and outside the peerage. There were lairds with little less, and in some cases more wealth than other individuals, formerly their social equals, upon whom a title had been bestowed.²¹ For the members of the new nobility - men whose rank indicated a responsibility for the leadership of local society - there was, therefore, a need to find a means of asserting practical rather than titular superiority.

These matters tended to exacerbate the effects of the pandemic disintegration of tenurial ties observable throughout

21. A. Grant, 'The Development of the Scottish Peerage', SHR, lvi (1978); Independence and Nationhood, 120-2, 124-7.

western Europe in the later middle ages. A fundamental tenet of feudal tenure was that land was given in return for service. A lord who gave a part of his estate to a second party in 'fee and heritage', whereby the grantee and his heirs were thereafter to be the tenants and vassals of the lord and his heirs and hold the conveyed lands 'of' the lord as superior, did so in the expectation that the tenant would render service - above and beyond the definable feudal dues - in return for his tenancy. This was the ideal state of affairs, but it is evident that in the later middle ages service was not automatically to be extracted from the tenant. To begin with, there was the simple probability that gratitude for the original infeftment would wane as succeeding generations passed, with the automatic heritability of the fief ensuring that the tenant remained in occupation irrespective of whether he felt any obligation to serve his superior. There was besides nothing to prevent the accumulation of fiefs held of various superiors, and a consequent and inevitable division of loyalty. Perhaps above all there was an increasing tendency to regard land as a marketable commodity - more especially as the late-medieval population decline made it difficult to maintain the rental value of lands. New tenancies were being created where the only service rendered was the payment of the purchase price, and existing fiefs were being sold, thus bringing in new tenants who could scarcely perceive their tenancy as a reward for service. The system of feudal tenure clearly remained intact, albeit with modifications, but the connexion between feudal tenancy and the obligation to serve became seriously weakened.²²

The essential instrument of magnatial power was, to use an

22. Brown, 'Bonds of Manrent', 59; Wormald, Court, Kirk and Community, 28; Grant, Independence and Nationhood, 133-5.

appropriately nebulous expression, the magnatial affinity. 'Retinue', 'entourage', 'following', 'clients', 'household' and even, perhaps, 'adherents' and 'supporters' have connotations rather too specific to be employed suitably in what follows. All of these terms can be used to describe some aspect of the affinity, but 'affinity' is used herefrom to denote the entire network of persons who associated with and served a lord - there existed affinity between the lord and these men.²³ Without dwelling upon the function and operation of the affinity - this is touched upon below²⁴ and is given definitive treatment elsewhere²⁵ - it goes without saying that the magnates of any era can wield authority only through the agency of others, who both marshal and form part of their resources. The weightiest and most telling element of the magnatial affinity in late-medieval Scotland was that drawn from the lairds - the men immediately below the nobility in rank, who were of substance and influence in their own right and who could bring as adjuncts to the magnate's affinity their own circles of parttakers. These men, for whom no better means of identification than the characteristic style 'A. B. (name) of C. (a place)' has been sought or employed,²⁶ saw themselves, it has been said, as 'natural counsellors' of the magnates just as magnates saw themselves as 'natural counsellors' of the king.²⁷ It is probably by its lairdly element that a magnatial

23. Familia is probably synonymous with 'affinity', but its use had been avoided. For the individuals within an affinity the term 'parttakers' is employed, in spite of the probability that it stands for a particular element of the affinity: Brown, 'Bonds of Manrent', 182.

24. See chapter 2 below.

25. J. Wormald, Lords and Men in Scotland: Bonds of Manrent, 1442-1603 (Edinburgh, 1985).

26. This style indicates nothing more precise than a freeholder outwith the peerage. It need not even denote a baron.

27. Wormald, Court, Kirk and Community, 33.

affinity should be judged; the lesser functionaries, clerks and servants attached to a lord cannot reasonably be taken as representing a power-base, and in number at least they are unlikely to have varied greatly from lord to lord.

Studies of particular late-medieval magnatial affinities in Scotland do not abound - to date three such studies are known to have been completed, and they can be found in one place.²⁸ These, concerning affinities of the early Stewart period (1371-1424) - namely of the fourth earl of Douglas, the first lord of Dalkeith and Alexander Stewart, earl of Mar - show that at that time lord-man relationships based upon land tenure were the norm.²⁹ This seems to have been true of all three magnates, even though it is clear that the lord of Dalkeith and the earl of Douglas held honorific lordships - the latter, admittedly, being of a hybrid provincial cum honorific type.³⁰ Notwithstanding the appearance during this period of the bond of retinue - a document whereby a man conveyed a promise of service to a lord, generally for life and usually in return for a money fee rather than land³¹ - it appears that tenurial, not to say classically feudal ties still retained their importance.³² Feudal ties even managed to attach to affinities lairds who were not chiefly based within the magnates' lordships.³³ This compares with the situation in England, where relationships based upon indentures and fees had become a virtual necessity after the

28. Grant, 'The Higher Scottish Nobility', 329-40.

29. Ibid., 340.

30. Grant, Independence and Nationhood, 123. Dalkeith was not at this time a peerage lordship, although the lord of Dalkeith was using a distinctive, non-lairdly style: Grant, 'Development of the Scottish Peerage', 16.

31. Brown, 'Bonds of Manrent', 135-42; Grant, 'The Higher Scottish Nobility', 321-5.

32. Ibid., 340.

33. Ibid., 331-2.

statute of Quia Emptores (1290) had been passed.³⁴ Limited though use of the bond of retinue may have been, the mere existence of such a writ does, nevertheless, indicate an initial response to the developments affecting the higher nobility, which were in train, though not completed during the early Stewart period.

A more lasting response is the concern of a general survey of the nature of lordship covering the period c.1442-1603, but drawing much the greater part of its source material from the sixteenth century.³⁵ This deals mainly with the bond of manrent, a document which typically expressed a promise of service by a man, who would almost always have the rank of laird, to a lord in return for nothing more than a reciprocal promise of maintenance.³⁶ It was in widespread and frequent use in Scotland from the later fifteenth century, and contrived to deal with all the problems consequent upon the reorganization of the nobility, economic contraction, and the atrophy of feudal ties. Aside from simply taking the place of the tenurial relationship, it forged ties which cut across tenurial boundaries, so facilitating the development of a lord's regional authority, and it effected an admission of the superior status of a member of the new peerage.³⁷ In addition the bond of manrent normally avoided placing too precise a definition upon service, and left the responsibilities of both lord and man open to the widest possible interpretation.³⁸ That a fee, or any tangible reward for the man's service, should rarely be a consideration helped to avoid placing a strain upon the

34. G.A. Holmes, The Estates of the Higher Nobility in Fourteenth-Century England (Cambridge, 1957), 83.

35. Brown, 'Bonds of Manrent'.

36. Ibid., 54, 93-99, 201.

37. Ibid., 182-3, 189-90, 194-5.

38. Ibid., 112-14, 119-21, 145-6.

lord's resources during a period of relative hardship for the landowning class. A tangible reward may not normally have been seen as necessary, but it does appear likely that Scots nobles of the fifteenth century were incapable of committing as large a proportion of their income to retaining fees as their English counterparts.³⁹

A second more lasting response - or if not a response, at least a suitably timed development - was the move towards a more clearly defined concept of kinship. The tie of kinship - the idea that the family should be loyal to its head - existed *apart* from and pre-dated any artificially created bonds. It was, in fact, the ideal form of tie which formal contracts between lords and men, whether tenurial or not, sought to reproduce. The obligations created by formal contracts were the same as those which existed by virtue of kinship, and any affinity would draw some part of its membership, and indeed be built around the focus of the lord's family. It has been considered that the provincial lordships, as definable land units, made it possible for large and ramshackle kin-groups to exist around the lord and have some meaning. Remote kinship produced by intermarriage among the lairds of a region could be made to have some meaning within a geographically unified lordship, and the endowment of cadet branches within a province did not involve their physical separation from the main line of the family. Within honorific and scattered lordships there was less possibility of the practical maintenance of large networks of mostly cognatic kinship ties; kinship of this type could allow various individuals to regard

39. Lander, Crown and Nobility, 31; T.B. Pugh, 'The Magnates, Knights and Gentry' in Fifteenth Century England 1399-1509, edd. S.B. Chrimes, C.D. Ross, R.A. Griffiths (Manchester, 1972), 97-109.

themselves as head of the family, and only the automatic pre-eminence of the holder of a provincial lordship ensured that the loyalty of the wider kin-group was directed towards one man. The trend during the fifteenth century is taken to have been towards the refinement of the definition of effective kinship, more emphasis being placed upon lines of male descent - agnatic kinship - and less upon complex ramifications produced by marriage and female descent. This, made possible by the genetic resilience of the new nobility once they were in place in the middle of the fifteenth century, did not have the effect of eliminating linear distance as a cause of attenuation in kinship ties; it did, however, tend to make the kin-group identifiable by surname and eventually led to an assumption that a common surname implied kinship.⁴⁰ The truth of all this has so far been a matter of argument rather more than of comprehensive proof, but it is evident that bonds of manrent were normally given by individuals outside the surname group - that is, if the bond-makers were kinsmen at all, their relationship to the lord was of a sufficiently distant degree to be in itself an inadequate tie.⁴¹

In the sixteenth century, therefore, the magnatial affinity was, at its lairdly level, likely to consist largely of agnatic kinsmen and bond-makers. It was also bound to be centred upon a particular part of the magnate's estate - upon his chief residence or the area where his lands were most concentrated, the two of which usually coincided. His affinity, drawn to him in various ways, provided him with power and authority within

40. Grant, Independence and Nationhood, 136-7, 138-40; Brown, 'The Exercise of Power', 58-60.

41. Brown, 'Bonds of Manrent', 154-67.

a more or less topographically delimitable sphere of influence - a region which matched the bounds of neither province nor estate, but was superimposed upon a background of ineffable tenurial complexity. The upheavals within the nobility had not left a pattern of spheres of influence where the boundaries were clear-cut; rivalries between magnates could exist, but these were more often resolved amicably - bonds made between peers are one manifestation of this - than maintained in the form of feud.⁴²

A simple deduction will produce the conclusion that between the early Stewart period and 1500 there was a period of transition in the form and content of magnatial affinities. The boundaries of this period are not subject to precise definition - a response to changed circumstances among a body of disparate individuals is rarely uniform, immediate or simultaneous. To date the successful and universal operation of the revised variety of regional lordship from any obvious mid-fifteenth century milestones - the earliest known bond of manrent (1442), or the effective completion of the upheavals in the form and personnel of the higher nobility and the emergence of a group of demographically vital and firmly entrenched magnate families (c.1460) - is probably over-optimistic.

Three affinities from the second half of the fifteenth century have been examined in detail with a view to gleaning some concrete information concerning the fabric and exercise of lordship in the later fifteenth century. Consideration is

42. Grant, Independence and Nationhood, 142.

given to the composition — *that is, the relative importance of* kinsmen, tenants, bond-makers, office-bearers, and even those *having no certain formal tie with their lord* and the geographical distribution and size of the array of associates and servants which a lord might enjoy. In addition some attention is given to these magnates' incomes, with a view to discerning whether any relationship between their financial condition and the form and size of their affinities is at all likely. Making use principally of documents issued by them and in their presence, most of those examined being in print or preserved among the Gifts and Deposits in the Scottish Record Office, it has proved possible to gain some idea of the range of parttakers of David Lindsay III (c. 1440-95), fifth earl of Crawford (from 1461); James Douglas IV (c. 1437-93), first earl of Morton (from 1458); and Alexander Stewart (c. 1454-1485), third, if in the case of this title a serial number is appropriate, duke of Albany.

The choice of magnates is not ideal, being determined to a large extent by the nature and quantity of the available evidence. Writs pertaining to the earls of Crawford and Morton have enjoyed what seems to be a fair rate of survival, although a judgement upon the relative copiousness of their acta awaits further attempts at collecting the writs of individual magnates.⁴³ In the case of the former it is certain, and in the case of the latter likely that writs of theirs have been overlooked. Choice of the earl of Morton also owed a great deal to the unusual survival of rentals covering parts of his estates which, though not composed during his lifetime, are certainly germane to an

43. Thirty-five attested charters of the fourth earl of Douglas were used in the assessment of this particularly wealthy magnate's affinity: Grant, 'The Higher Scottish Nobility', 335.

examination of his landed wealth. Writs concerning the duke of Albany are not as plentiful, although sufficient to be useful. In his case, however, evidence for his affinity is substantially augmented in parliamentary record, where the names of those implicated in his actual or alleged treasons are to be found. For Albany too there is detailed information available concerning his landed resources, in the form of accounts of his estates rendered to the exchequer before and after his period in possession. Basing selection upon the survival of evidence inevitably produces an arbitrary choice of subjects, and in some respects the examinees are fairly unhelpful. All three affinities are being viewed in a partial or total vacuum - this is particularly true of the duke of Albany, who was the only holder of an ephemeral apanage, whilst the fifth earl of Crawford succeeded after an eight-year minority, and the earl of Morton succeeded a father whose mental illness caused the Dalkeith estates to be in tutory for perhaps fifteen years. The important matter of the heritability of affinities - something which would surely have given regional authority added stability - is thus not given sufficient consideration. Worse, none of the three magnates appear to have obtained more than a handful of bonds of manrent - or at least evidence of no more than a handful survives.

The careers of the three magnates do, however, show as wide a variation as could reasonably be expected: Crawford was a devoted servant of James III during most of his adult life, Morton was, if not quite apolitical, ^{at best little concerned with central government,} and Albany engaged in open

rebellion. This diversity, whilst helping to deter a thematic treatment of these affinities, ought to assist in the extraction of general truths; there should be less danger of drawing conclusions applicable to just one section of the higher nobility. These three magnates cannot be taken as typical of the magnates at large, but it might well be asked where the typical magnate is to be found. It would appear from the affinities of Crawford and Morton that cognatic kinship retained an importance and that the surname group barely existed. From all three affinities it would seem that tenurial ties were of slight relevance, that bond-making was yet without a standard motive, that material patronage was limited and that regional authority had still to be fully achieved. Examination of, for example, the affinities of the earls of Huntly and Argyll would quite likely produce different results on some of these counts, but this is scarcely the point. What has to be avoided is the attitude that helped to produce the myth of a century of violence and conflict - the tendency to treat 'the nobility' as a coherent unit, the aims and aspirations of whose members were largely uniform.⁴⁴

44. Grant, 'Earls and Earldoms', 24; Brown, 'Taming the Magnates?', 46.

CHAPTER TWO

THE MAGNATIAL AFFINITY : FUNCTION AND IDENTIFICATION

In order to examine the composition and size of magnatial affinities it is necessary to determine what means can be used to identify those whom they included. Tenancy, kinship and geographical proximity cannot in themselves be assumed to have produced ties between lords and men, and, since there survive from the later fifteenth century relatively few documents - namely bonds of manrent and maintenance - whose purpose was specifically to show that a tie existed or was to exist between a lord and a man,¹ it is clear enough at the outset that the identification of parttakers has largely to be a matter of inference. This means in practice that evidence has to be found which implies service by men to lords and vice versa, for it is difficult to believe that service, in whatever form it took, was not the raison d'être of the affinity. This in turn requires some attention to be paid to the function of the affinity, given that it is unreasonable to expect to isolate instances of service or to distinguish 'different circles of clients',² without some idea of what that service entailed. Having recourse to this speciously logical approach cannot, in all honesty, disguise the fact that the study of magnatial affinities in the fifteenth century has to be based upon substantially the same kind of evidence as studies of magnatial affinities in the twelfth and thirteenth centuries; they are founded alike upon the

1. With few discernible exceptions the surviving bonds of manrent and maintenance and references to those which no longer exist are summarized in Brown, 'Bonds of Manrent', App. A.

2. Dunham, Lord Hastings' Retainers, 27.

analysis of charter witness-lists.³ There is some difference, nonetheless, and this lies chiefly in the greater scale and variety of available documentation. This patently has much to do with the greater chance of survival which a fifteenth century document enjoys over its counterparts of two and three hundred years earlier, but it also owes something to certain institutional and documentary developments. So far as they have a bearing upon identifying magnatial affinities the most important of these are probably the adaptations undergone by the royal council and parliament manifest in the records of the judicial deliberations of the lords of council and the lords auditors;⁴ the increased tendency to commit all manner of transactions to parchment in the form of notarial instruments;⁵ and the development, from its ill-represented, immediate antecedent, the bond of retinue, of the bond of manrent.⁶ The opportunity seems thus to be afforded of defining fifteenth-century magnatial affinities with a slightly greater degree of precision than those of earlier centuries, and it is as well to review how the sources might be employed to this effect.

With almost nothing known of the contents of the oath of

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3. Simpson, 'The Familia of Roger de Quincy', 105; Stringer, Earl David of Huntingdon, 153.
 4. Webster, Sources: Eleventh Century to 1603, 159-60; G. Donaldson, The Sources of Scottish History (Edinburgh, 1978), 16.
 5. Ibid., 20; J.J. Robertson, 'The Development of the Law', in SSFC, 148-9. Notarial instruments can be a useful source of additional witness-lists, although the type most frequently encountered - that of sasine - was rarely drawn up in the grantor's presence, and its value is reduced in this respect. On the other hand, the instrument of sasine does provide the names of bailies appointed to give sasine.
 6. Brown, 'Bonds of Manrent', 112-51. Bonds of manrent also happen to be providers of witness-lists: ibid., 51.

fealty as used in Scotland and besides a strong suspicion that *and the ceremony of homage at which it was given* the oath had fallen into desuetude by the fifteenth century⁷

there are perhaps two forms of documentary source which provide any sort of general indication of what a lord expected from his associates by way of service.⁸ The less helpful of these is the charter, which, in the form of prefatory remarks, quite frequently appears to give some reason for the infeftment in hand. More often than not this consists of only the vaguest reference to 'service done and to be done', with any extensions of this phrase being normally restricted to the use of adjectives such as 'faithful', 'gratuitous', 'laudable' and 'good' referring to service, and of adverbs such as 'freely', 'manifoldly', 'faithfully' and 'oft' referring to the manner in which it had been or was to be rendered. However, some charters make slightly more specific reference to the giving of counsel and aid⁹ and, less usefully, to the doing of favours. Some, albeit a mere handful, go further and come close to spelling out the service which prompted infeftment.¹⁰ Rather more satisfactory, and certainly more relevant to an age in which service based upon tenure is believed to have been of waning significance, is the bond of manrent.¹¹ A detailed discussion of the elements of service

7. *Ibid.*, 115-16.

8. The associates in this instance are those of the social rank who might give a bond of manrent or hold land in fee and heritage.

9. The specific connotations acquired by 'aid' in its feudal sense, the relationship of both 'aid' and 'counsel' to the feudal contract and their incorporation into the terms of the bond of manrent are discussed in Brown, 'Bonds of Manrent', 120-3.

10. *RMS*, ii, nos. 786, 1938; SRO, GD 121/3, bundle 4. These three examples are all charters of the fifth earl of Crawford.

11. J.M. Brown, 'The Exercise of Power', in *SSFC*, 54-55 and 'Bonds of Manrent', 59, 121-2. That service became divorced from feudal tenure is the premise behind everything that has been written on the subject of 'bastard feudalism' in England - whether proposing the concept or, following K.B. McFarlane's pioneering lead, revising it. A list of most of the earlier writings hereanent may be found in Dunham, *Lord Hastings' Retainers*, 1-2, n.1.

which came to be associated with the bond of manrent can be found elsewhere,¹² but there is some value in reciting here the four promises of service which have been identified as most typical of the bond: these are to give and keep counsel, to warn the lord of and defend him from harm, to assist in the lord's actions, and to ride and gang with him.¹³ The bond of manrent was never to acquire a standard form, and all these promises did not necessarily appear in any one bond - reference to counsel and warning was, it appears, a good deal more common in fifteenth-century bonds than was mention of assistance in actions and riding and ganging.¹⁴ However, taken as a whole these promises are of assistance to the extent that they probably cover everything, except for the duties connected with the bearing of particular office,¹⁵ which service by a man to his lord might involve. They achieve this, however, with a degree of imprecision which, whilst no doubt benefiting the recipient of the bond by ensuring that restrictions upon service were kept to a minimum,¹⁶ prevents them from clarifying or augmenting the evidence for service by more than a little.

Documentary evidence which can be related specifically to the individual promises is not abundant, and much of it relates to the giving of counsel. Nevertheless, that counsel should be so favoured is perhaps no bad thing; since it receives mention by name in both bonds of manrent and as a reason for infektment in charters there is probably some reason for believing that it was highly valued.

12. Brown, 'Bonds of Manrent', 123-33.

13. Ibid., 112.

14. Ibid., 93-99.

15. See below, pp. 46-54.

16. Brown, 'Bonds of Manrent', 117-121.

The matter of keeping counsel is, of course, by its very nature incapable of investigation, although there is at least one available example of a failure to keep counsel: Alexander Home of that ilk was evidently responsible in January 1482/3 for revealing the intentions of the duke of Albany, to whom he had earlier given some sort of bond, to James III - and there is no mistaking Albany's resentment of this.¹⁷ The more positive side of the promise - that of giving counsel - does manifest itself in record, although only in the possibly restricted sense of the lord's council.

No doubt the giving of counsel was to a large extent informal,¹⁸ and perhaps would have to be so unless a given council was capable of accommodating all those whose charters and bonds indicate that their advice was welcomed; lists of those who made up, or were to make up a council generally give less than ten names. However, except in so far as the council itself had an informal side, this aspect of counsel must remain a closed book; without doubt 'council' in the middle ages chiefly implied, as it implies now, a body which would meet in circumstances of some formality, coming to its decisions according to some form of procedure.

Easily the best documented magnatial council is that of the lords of the Isles. Three accounts of this apparently closely structured body exist, and although the first of these was written more than fifty years after the forfeiture of the last Macdonald lord of the Isles the contemporary evidence is not notably contradictory and does in fact offer some positive support. The

17. Macdougall, James III, 178, 186.

18. Brown, 'Bonds of Manrent', 129.

most interesting feature of the council of the Isles is that membership seems to have been laid down by custom as the heritable right of certain principal tenants and cadets of Macdonald of Islay and of the two principal churchmen of the Isles. In Donald Monro's account - the earliest of the three¹⁹ - the councillors are divided into four groups: the first consisted of 'the four greatest of the Nobles callit lords'; the second was made up of 'four Thanes of les living and estate'; 'four great men of living of their royall blude of Clandonald lineally descendit' formed the third; and in the last there were the bishop of the Isles and the abbot of Iona.²⁰ The names of the chiefs who made up each of the first three groups are given, and only one is unidentified. The later account by Macdonald gives a largely similar picture, differing somewhat in terminology and more particularly giving a net increase of two to the total membership by omitting the ecclesiastics and inserting as a bottom tier a group of lesser freeholders - but the idea persists that there was a formula for membership.²¹

An attempt to find corroboration for these accounts proved more or less successful in Monro's case at least. Though there were never as many as fourteen councillors of any description present at known council meetings, ten of the fourteen named by Monro did witness charters of the lords of the Isles issued with the advice of the council and another two attested charters for which the council's deliberations were not evidently required.²²

19. Monro's account was written following a journey through the Hebrides in 1549. The accounts of Martin Martin - essentially an edition of Monro's work - and Hugh Macdonald date from the seventeenth century: Monro, Western Isles, 16-17, 56-7, 95-110.

20. Ibid., 102.

21. Ibid., 102-3.

22. Ibid., 104, 140-4.

It was also demonstrated that although most of the known council meetings took place during the period 1435-75 when the lords of the Isles held the earldom of Ross and were held at Dingwall or Inverness, a large majority of the councillors were from the Hebrides and the west coast, whether or not their names were to be found in Monro's list.²³ The schemes for the council of the Isles appeared thus to have a basis in fact, even though there was evidently a larger pool of possible councillors available to the fifteenth-century lords of the Isles than they would suggest. However, it seems virtually impossible to relate councils elsewhere in the realm to these formulae. The available evidence suggests that the only generally applicable truth likely to be extracted herefrom is that not all those who were a magnate's councillors would be present at any given meeting of his council.

Where composition is concerned the only unifying factor in the various lords' councils for which there is evidence would seem to be variety - there is little that can be welded into a coherent model for the fifteenth-century magnatial council. Indeed, variety in membership seems to have been expected and even arranged for in some cases. The members of the council of Archibald, fifth earl of Angus, which was to be convened according to a writ of July 1482 or 1483 to deal, if required, with rival claims to certain lands in the regality of Kirriemuir, clearly were selected ad hoc.²⁴ Similarly nine persons were named in 1435 as councillors of Sir Robert Erskine, self-styled earl of Mar, and his son and apparent heir, in order specifically to settle outstanding differences with Sir Alexander Forbes of that ilk; their names were preceded by

23. Monro, Western Isles, 140-3.

24. Fraser, Douglas, iii, 436.

the words 'thir ar the personys sal be consallowrris to my Lorde of Marr in al thir materis'. The total in the end was probably ten, for a postscript to the writ adds 'Jhon of Hadyngtoun is cummyne and we of consale thingkis that we wil hafe hyme witht we of consale'. Later on, upon the fulfilment of an earlier indenture between the parties, Erskine's council was to shed all but four of its members and those remaining were to join with a further four named persons to form a council to ensure that everything agreed would be carried out.²⁵ Variety in membership is also expressed in the lists of councillors of the fifth earl of Crawford, dating from 1466/7 and 1491.²⁶ There is, most obviously, not a single name common to both lists, although part of the explanation for this can be discerned fairly readily.²⁷ The same is not true of the major change in character of the earl's council between its two meetings, which involved the replacement of the eight Angus lairds found in the earlier list by a group of men who were mostly of considerably greater social standing. The council of Alexander, duke of Albany exhibited a similarly radical change in members during 1467 and between that year and 1482/3,²⁸ although there is good reason for suspecting that the choice of council was not the duke's own at the earlier date.²⁹

In part this tendency towards variation in membership can be explained by the circumstances of the council meeting - in other words, that those who were best suited to deal with the matter

25. SR0, GD 52, no. 1079.

26. RMS, ii, no. 1038; Rylands, Crawford, box 8, no. 77.

27. See below, pp. 132-4.

28. SR0, GD 158, no. 35; GD 266/121, bundle 1; CDS, iv, no. 1486.

29. See below, pp. 234-7.

under discussion would be selected as councillors. This seems to be manifest in one respect in the appearance as councillors of persons who assuredly were not members of the lord's affinity. One indication of this is found in a charter given in August 1440 by Alexander Seton of Gordon, later first earl of Huntly. This writ was issued following 'the advice and deliberation of his council, and with the consent of his kinsmen and close friends, specially asked for this purpose'. It is unclear whether 'specially asked' applied to all three classes involved, and it is difficult to know how much weight to attach to the separation of advice from consent by their allocation to two different groups, but whatever the case a distinction was being drawn between Seton's council and his kinsmen and friends. While it seems improbable that neither kinsmen nor friends would be represented on Seton's council on other occasions of its convening, if not particularly true of this one, it seems clear that the council was not to be confused with certain elements of his wider affinity.³⁰ This distinction, which finds some support in the witness lists of other Gordon writs,³¹ was plainly justified in the case of James Douglas, earl of Avondale, and soon to become earl of Douglas, who could not by any stretch of the imagination be classed as Seton's man.³² A number of other occurrences of councillors of little or

30. RMS, ii, no. 370.

31. A selection of writs issued and received by Seton in print and dating from before and after his change of surname and his elevation to the peerage - reveal the name of only one of the councillors - Alexander Dunbar - as a witness: RMS, ii, nos. 240, 278, 1550, iii, no. 2100; A.B. Ill., iv, 340-2; Familie of Innes, App., 77-8 (witnessed by Sir Alexander Dunbar of Westfield); The Records of Aboyne 1230-1681 (New Spalding Club, 1894), 12-13.

32. RMS, ii, no. 370.

no less rank than the lords upon whose council they sat give the impression that Avondale was not especially remarkable in this regard. From the early 1480s there are David, earl of Crawford, and Laurence, Lord Oliphant, who were to serve on the council of Archibald, earl of Angus,³³ and the same earl of Angus, who was termed a councillor of the duke of Albany.³⁴ Andrew, Lord Gray, another of Albany's councillors, also served on the council of the earl of Crawford in 1491, and was accompanied in this duty by another lord of parliament - Thomas, Lord Innermeath - the bishop of Brechin and the prior of St Andrews.³⁵ The earl of Avondale, in his earlier guise of James Douglas of Balvenie, had also been a councillor of his nephew, the fifth earl of Douglas, in 1432 and one of his colleagues on that occasion had been the abbot of Kelso.³⁶ The council of the eighth earl of Douglas, and his mother, which convened in 1447, appears to have included Alexander, fourth earl of Crawford and at least three lords of parliament.³⁷ In addition there seem to have been occasions when men of significantly lower rank than the lord might be drafted in from outwith his own affinity to serve on his council. Almost certainly the laird of Forbes nominated some of his own associates to serve on the Erskines' council³⁸ and it is

33. Fraser, Douglas, iii, 436.

34. CDS, iv, no. 1486.

35. Rylands, Crawford, box B, no. 77.

36. HMC, Rep. xiv, App. iii, 22, no. 41.

37. RMS, ii, no. 301.

38. The witness-lists of six Erskine writs in print exhibit the names of John Haddington and three of the original nine councillors - John Drummond, William Murray and Alan Erskine - and none of the additional councillors: A.B. Ill., iv, 48-49, 190-1 (Cockburn and Haddington), 452-4 (Drummond), 734-5 (Erskine); Abdn. Reg., i, 258-9; HMC Rep. Mar and Kellie, App. 17. Another of the original nine - Patrick Galbraith - had received what amounted to a latin bond of maintenance from Thomas Erskine: ibid. One of the additional councillors bore the name Forbes: A.B. Ill., iv, 189-90.

clear that the earl of Crawford was to bring members of his own affinity with him to act as councillors of the earl of Angus.³⁹

In some cases the need for this class of apparently ad hoc councillor is relatively easy to understand. The dispute over lands in the regality of Kirriemuir between Walter Ogilvy of Inverquharity and William Strachan might well be construed as the business of the earl of Crawford and his men;⁴⁰ Crawford was at least based in Angus whereas the earl of that name was not. Likewise can the dispute between John Erskine of Dun and the burgh of Montrose over fishing rights on the North Esk be seen as something upon which locally-based and notable figures like the bishop of Brechin and Lord Gray would be capable of offering a useful opinion.⁴¹ The rather different circumstances of the crisis faced alike by the duke of Albany and his councillors the earl of Angus and Lord Gray in January 1482/3 facilitate an understanding of why these two lords should have been commissioned to treat with the king of England.⁴² The potentially massive importance of clarifying which of the earl of Douglas's twin younger brothers was his apparent heir similarly places the presence of a number of magnates among his and his mother's councillors in 1447 within the bounds of comprehension.⁴³ Sir Alexander Forbes's concern to ensure a fair hearing for his differences

39. Fraser, Douglas, iii, 436. Alexander Scott and George Carmichael, elect of Glasgow, had some connexion with Crawford: see below, pp. 116, 119-20.

40. Fraser, Douglas, iii, 436.

41. Rylands, Crawford, box B, no. 77. It is less clear that this would apply in the case of the prior of St Andrews, and there is in fact reason to believe that Crawford was not wholly free to choose the members of his council in 1491: see below, pp. 133-4.

42. Macdougall, James III, 178-80.

43. RMS, ii, no. 301.

with the Erskines shows why such pains were taken over the construction of the latter's council.⁴⁴

However, all this poses the question as to whether lords' councils were normally bodies of entirely ad hoc composition, which were convened to deal with specific matters and which need not give a particularly good indication of whom the principal associates of a lord might be. Certainly on many of the occasions when the word 'council' is used it is connected with the sort of matters which, arguably, were encountered with no great frequency. In addition to the disputes in Angus, the Erskine-Forbes agreement, the decision anent the Douglas twins and Albany's negotiations with Edward IV there are references to the council of the fifth earl of Douglas in connexion with a meeting with the earl of Salisbury, English warden of the West March, in 1430;⁴⁵ to the council of James, third earl of Angus, which by 16 January 1443/4 had passed judgement on the amounts owed by Sir Alexander Home of that ilk to David Home of Wedderburn;⁴⁶ to the council of Archibald Douglas, earl of Moray, which met in 1450 to determine whether a minor should be admitted as a tenant;⁴⁷ to the council of the earl of Crawford in 1466/7, which appears to have advised the earl to withdraw a claim to the superiority of the lands of Affleck;⁴⁸ and to the appointment of a joint council of Nicholas Hay, earl of Erroll and George Gordon, master of Huntly to meet if necessary to resolve differences arising after the making of a bond in 1465/6. Lists of members are available for only two

44. SR0, GD 52, no. 1079.

45. C. Macrae, 'The English Council and Scotland in 1430', EHR, liv (1939), 419, 426.

46. HMC Rep. Milne Home, App., 21, no. 8.

47. RMS, ii, no. 1038.

48. Spalding Misc., ii, 251.

of these councils - those of the earls of Moray and Crawford - and these are made up entirely of the names of individuals who by their apparent status at least could be considered the men of the lords in question.⁴⁹ This might be taken as quite appropriate, for the matters upon which their deliberations were required were not obviously of far-reaching significance. Nevertheless, whilst record evidence concerning Archibald, first and only Douglas earl of Moray is too scarce to allow it to be said how many of his seven councillors were among his regular associates, there is fairly clear indication that half of Crawford's eight-strong council did not have regular dealings with the earl, and may not even have been any part of his wider affinity.⁵⁰

On the other hand, some councils seem to have deliberated upon matters which have at least the appearance of being mundane. Regarding the lordship of the Isles 'it is not easy to discern in what circumstances the Council's consent was deemed necessary or desirable';⁵¹ apparently unremarkable infeftments were made both with and without the assistance of the council. The same sort of thing is illustrated by the councils of the earl of Douglas in 1432, Seton of Gordon in 1440, the earl of Morton in 1466 and the duke of Albany in 1467, all of which devoted their attention to feudal conveyances whose only salient feature in every case is banality.⁵² This particularly puzzling aspect of the magnatials

49. None of Moray's councillors were accorded a lairdly style: Fraser, Douglas, iii, 75-76. All of Crawford's councillors were Angus lairds: see below, pp. 74-5, 77, 78,

50. See below, pp. 74-75, 77.

51. Monro, Western Isles, 107-8. It is pointed out, by way of contrast, that 'there is no mention among the papers connected with the treaty ("of Ardtornish") of the consent of the council of the Isles having been sought or obtained': ibid.

52. HMC Rep. xiv, App. part iii, 22, no. 41; RMS, ii, no. 370; SRO, GD 158, no. 35; GD 266/121, bundle 1; GD 184, nos. 13, 15.

council may be explicable: it is possible that some of these conveyances merely happened to be in hand at a time when the lord's council was sitting; it is also possible that the presence in one place of a given number of councillors might constitute a council meeting, no matter what business was before them. To set against these possibilities is the fact that almost all Morton's councillors, unlike those of the other three lords, are regularly named in the witness lists of the earl's other writs, and it seems likely that other conveyances would be completed in the presence of groups of men who had as much right to the designation 'council' as those who were assembled in May 1466.⁵³

The role of the council and its relationship to the broader affinity seem thus to be obscured by inconsistencies and contradictions in the evidence. It would be convenient to see the lord's council as a body akin to the king's council, being made up of a restricted group of individuals - bearers of household office for the most part - and meeting with some regularity to deal with various recurring or continuing concerns of the lord.⁵⁴ Their names, like those of royal councillors might thus regularly appear in the witness lists of writs issued by the lord. However, with the infrequent appearances of the word 'council' being regularly associated with ad hoc gatherings whose purpose was to solve particular, pressing problems and among whose members there were often persons whose place in the lord's affinity is open to doubt,

53. See Table III below, p. 370. The use of 'council' in this instance cannot be explained as the personal choice of a particular scribe; Robert Halliwell, the notary who drew up the writ, was employed by the earl of Morton during most of the 1460s and 1470s: see below, pp. 178-9. Morton's council is referred to in an instrument of resignation, but this indicates that the subsequent infeftment was given with the advice of the council. Accordingly the witnesses of the accompanying charter are taken to be the councillors: SR0, GD 184, nos. 13, 15. The dating of the two writs appears to be awry.

54. A.L. Brown, 'The Scottish 'Establishment in the Later 15th Century', JR, (1978), 92-93, indicates that the royal council was not simply a judicial body.

there remains little concrete evidence to show that scaled-down versions of the royal council were scattered throughout the realm.⁵⁵ Testimony to the existence of such councils can be found — as for example in a reference from 1444 to Master James Lindsay of Covington, who, in the manner of a description of his profession rather than of an immediate function, was termed counsellor of the earl of Douglas.⁵⁶ Perhaps more important, however, than this fairly unusual identification is the fact that Lindsay appears as a witness of at least ten writs issued by or in the presence of the seventh and eighth earls of Douglas.⁵⁷ It may be, paradoxically, that the magnatial council in its basic, unaugmented form is best sought where it goes unannounced, for there is cause to suspect that where the word 'council' appears it often indicates something more than the lord's usual advisory body.

Nonetheless, it is inappropriate to dismiss the evidence offered by identified council meetings; they certainly have something to impart anent relations between magnates, and hint that there were lesser individuals whose place in the lord's affinity, if within it at all, was in its outer circle, yet whose opinions were welcomed. It is certainly conceivable that, where the seemingly judicial aspect of its activities was concerned, the magnatial council would be the better regarded for its inclusion of disinterested parties. The approval of a special privilege granted to a minor by Moray's council, the quasi-inquest undertaken by Crawford's, and the authority to settle disputes given to Angus's, the Erskine's and the joint Gordon-Hay council can all

55. A different perspective on the matter can be found in Brown, 'Bonds of Manrent', 129.

56. CSSR, iv, no. 1071.

57. RMS, ii, nos. 301, 383, 557; Fraser, Douglas, iii, 426; HMC Rep. xi, App. part vi, 212-13, no. 131; Rep. xiv, App. part iii, 24-25, nos. 49, 51; Lainq Chrs, no. 122; Melr. Lib., ii, 572-3.

be interpreted as showing the council as some kind of court. This would be paralleled by the judicial function evidently vested in contemporary English magnates' councils⁵⁸ and albeit less closely, by the powers of the council of the Isles, which, according to the three authorities for that body, was the high court of the lordship.⁵⁹ Monro remarks that the council sat, whether or not the Lord of the Isles was himself present, and 'decernit, decretit and gave suits furth upon all debatable matters according to the laws of Renald McSomharlele', while Macdonald and Martin agree that the council was the court of appeal for the Isles.⁶⁰ This suggests somewhat further-reaching authority than that possessed by lords' councils elsewhere in Scotland, which probably restricted themselves for the most part to arbitrating in disputes between members of an affinity. For this it was probably perfectly adequate, for although the magnatial council was not strictly speaking a court of law, it took no more than a notarial instrument to ensure that the law embraced its decisions, and it is evident that parties submitting to its judgment — not least the lord whose council it was — had every intention of abiding by its rulings.⁶¹ There is, however, some indication that lords' councils might compete with the normal channels of justice — Crawford's council's arbitration between the laird of Dun and the burgh of Montrose in 1491 is probably an example of this — and this would seem to demonstrate the esteem in which their deliberations could be held.⁶²

58. Dunham, Lord Hastings' Retainers, 43.

59. Monro, Western Isles, 108-9.

60. Ibid., 108-9.

61. The wording of indentures concerning submission to conciliar deliberation makes it clear that councils were not to be gainsaid: Fraser, Douglas, iii, 436; SRD, GD 52, no. 1079; Spalding Misc., ii, 251.

62. Rylands, Crawford, box B, no. 77.

Precisely how a council would arrive at its decisions must almost entirely be left to the imagination. There is no implication that voting rather than consensus was the method to be employed by the earl of Angus's council in determining which of two rival claimants should have possession of certain lands in the regality of Kirriemuir, ^{even though} the earl would let the lands to Walter Ogilvy of Inverquharity providing that at least five councillors advised such a course.⁶³ The only other hint at council organisation is the description of Donald Balloch, lord of Dunivaig and the Glens, as 'first and principal councillor of John, earl of Ross' in 1475.⁶⁴ Certainly, when in attendance at meetings of the council of the Isles Donald Balloch is named at the head of the list of witnesses,⁶⁵ but the role of a 'principal councillor', if at all different from that of rank and file councillors, remains obscure.

The remaining aspects of service as given in the bond of manrent are less easy to illustrate than counsel; there is limited evidence as to how they were put into practice. Examples of warning or prevention of harm in particular — not withstanding the fifth earl of Crawford's charter referring to his rescue from the clutches of the earl of Douglas in 1463 by Herbert Johnstone of Dalebank⁶⁶ — can hardly be hoped for outside narrative sources, and even here they are hard to come by. A rare instance is Adam Abell's rather dubious tale of the duke of Albany's escape from the wrath of Edward IV of England with the help of John Liddell.⁶⁷

63. Fraser, Douglas, iii, 436.
a quorum.

64. HMC Rep. v, App., 614.

65. Monro, Western Isles, 141-2.

66. RMS, ii, no. 786.

67. Macdougall, James III, 314.

Five is likely to have been

This gap in the evidence is, however, not a cause for concern; it is unlikely that this clause would regularly need to be invoked, and in any case there could hardly have existed an established practice in the field of keeping harm at bay. The 'riding and ganging' clause indicates service in the lord's entourage during his itinerations - which, it may be supposed, were journeys chiefly between his principal residences, less often between these and court or parliament, and - less frequently still - abroad.⁶⁸ Charter witness lists should, in theory, offer evidence as to the respective mobility of a lord's followers and upon the individuals who would attend a lord when he arrived at a given destination, thus allowing some informed speculation upon the location of the dividing line between inner and outer circles of the affinity. For entourages taken outside Scotland there are English safe-conducts, which frequently provide the names of persons who were to accompany the lord. In the case of those issued to the eighth and ninth earls of Douglas in 1450 and 1453 they are the sources which come the closest of any to providing comprehensive lists of magnates' adherents.⁶⁹ Except in so far as the size and quality of a retinue lent prestige to a magnate and made clear his status in a status-conscious society,⁷⁰ 'riding and ganging' were not ends in themselves; they were likely to be followed in most cases by counsel or aid relating to whatever action or cause in which the lord was engaged, and in this sense three of the four typical promises have some common intent.

68. ^{See below, p. 52 n. 144.} The 'riding and ganging' clause was also concerned with service in time of war; Brown, 'Bonds of Manrent', 96.

69. Rot. Scot., ii, 343, 346, 362.

70. Brown, 'Bonds of Manrent', 183-4.

A close relationship may besides have existed between counsel and aid; it is quite probable that a lord would not normally expect a man to lend assistance in any cause unless he had first the opportunity to give counsel thereanent.⁷¹

'Aid' is, however, the least definable of the promises of service, being of these the least specific and most comprehensive; the later middle ages saw it losing the 'technical overtones' associated with its feudal use, and coming to mean something more general.⁷² Much of the evidence for aid in a lord's causes concerns violent and illegal actions. This is to be expected, not because such actions were commonplace but because they were more likely to find a place in record; unlawful actions could result in court proceedings, and, so far as these took place before the lords of council and the lords auditors, they can be found in record in the second half of the fifteenth century. Though the actions in which a lord could ask a man's aid would be described as 'lefull' if they were qualified at all,⁷³ it is clear from cases brought before the central courts that in some instances much depended upon a lord's own interpretation of what was just.

The greater number of accusations faced jointly by lords and parties of their associates before the lords of council and the lords auditors related to actions involving spuilzie of one sort or another. A perceptive observation to the effect that spuilzie - a blanket term which could describe virtually any offence involving intromission with or seizure of revenues, goods

71. There may be some hint of this in the habitual pairing of auxilium and concilium in the prefatory remarks found in some charters indicating why an infeftment was being made.

72. Brown, 'Bonds of Manrent', 125.

73. Ibid., 97.

or land - could be an effective, if cynical, means of forcing a given property dispute to a lawful resolution.⁷⁴ This cannot, however, be taken to mean that examples of the sort which follow are representative of aid, although in the light of economic trends in the fifteenth century they may indicate a facet of aid which was at the peak of its importance.⁷⁵ On 5 November 1479 the lords of council heard a complaint from the countess of Angus against six named men, two of whom held office as serjeant and bailie from James, Lord Hamilton, 'for the wrangwis, spoliacioun of viij^{XX} of ald scheip out of the landis of Quhelphill'. The procurators for Andrew Jack, one of the six, asserted that the sheep had been taken as mails owed to Lord Hamilton.⁷⁶

David, Lord Lindsay of the Byres and four named others were accused on 21 January 1484/5 by one John Barclay of the spuilzie of his goods. Barclay had been put to the horn at some time prior to the hearing, and it was apparently with regard to this that Lindsay and his followers had acted; they believed their opportunism to have been justified, but they misunderstood the letters putting Barclay to the horn, which were 'indorsit in to sa generale termes that it cane nocht be understand'.⁷⁷

A summons issued by the king upon John, earl of Atholl and thirteen others was heard by the lords on 13 April 1485. Atholl and his party were to answer a charge 'anent the distruccioun and hewing of the akis and woddis belangand the kirk of Dunkeld...'.⁷⁸

74. Grant, Independence and Nationhood, 160.

75. See below, chapter 6.

76. A.D.C., 41, 64.

77. Ibid., 96*-7*, 109*.

78. Ibid., 115*-16*.

Alexander Lindsay, master of Crawford, and eight others were, according to a decision of 22 April 1479, to place themselves in ward until the charge against them was heard: they were accused of 'dampnage done ... to the Abbot and convent of Cowpir in the taking and halding of twa monkis of the said abbay and spuilzeing of thare horsis parking at thare place and chasing of thare servandis...'.⁷⁹

A rather more distinctive case marks a stage in the long drawn out dispute between James III and the Homes over the revenues of the suppressed priory of Coldingham. On 8 February 1484/5 Alexander, Lord Home was summoned to compear for violently taking earlier letters of summons from the king's messenger, John Scott, and thereby preventing its execution. Most likely Home did not personally waylay the messenger and seize the letters, and in addition the original summons was not to be delivered solely upon him, but also upon his accomplices 'in the wrangwis withhalding of the teindis and froits of Coldingham partening to ourre souverane lordis chappell...'.⁸⁰

No doubt the physical burden of hewing trees, seizing gear and kindred deeds fell largely to a lord's 'servandis and dependaris',⁸¹ but it is clear from lists of names given that men of the social rank from which bonds of manrent emanated - that is, in principle, lairds⁸² - did ride to and play a part in such actions. The master of Crawford's company included the lairds of Auchterless and Baikie, and that of Lindsay of the Byres included the laird of Tarvit, while the laird of Stukis and two sons of the laird of Auchtergavin were among those acting in concert with the earl

79. Ibid., 29.

80. Ibid., 113*.

81. Brown, 'Bonds of Manrent', 181-2.

82. Ibid., 175-6, 180.

of Atholl.⁸³

A rather less typical aspect of unlawful aid may be indicated in an appeal made by Sir John Swinton of that ilk and heard by the lords' auditors in 1476.⁸⁴ Conspiracy is seldom easy to prove, but there is some circumstantial evidence to suggest that Swinton had been the victim of jury packing. The obligation to render suit of court was, in common with other services associated with feudal tenure, something which could be delegated to another competent person.⁸⁵ Even the obligation to render suit and presence was probably not something which had to be taken literally,⁸⁶ and it is not difficult to see how an unscrupulous lord might arrange for a jury to contain a sufficient number of his men in order to obtain the verdict which he desired. In this particular case it appears that it was to the advantage of the duke of Albany - whose regalian powers meant that his courts were competent to act upon briefs of inquest concerning lands in the earldom of March - that Lord Oliphant's claim to the lands of Cranshaws should be preferred to that of Sir John Swinton. Oliphant was duly served heir to the lands - in allegedly irregular circumstances and by a jury of inquest which appears to have been something other than a random assemblage of fifteen freeholders of the earldom of March.⁸⁷

83. ADC, 29, 96*, 115*-16*.

84. ADA, 51; see below pp. 253-6.

85. Craig, Ius Feudale, 3.1.4.

86. I.D. Willock, The Origins and Development of the Jury in Scotland (Stair Society, 1966), 75, 84.

87. See below, p. 254, n.258.

On the other hand, lawful assistance in obtaining formal justice was most certainly part of aid in a lord's causes. In the first place it is perfectly possible that the expression 'lefull actiouns' in the bond of manrent could be taken literally to mean legal actions in the sense of litigation. That 'actiounis', and 'caussis', with their connotation of legal proceedings, should be the terms used and then described as 'lefull' may well be significant.⁸⁸ Secondly, there is clear evidence of men acting on behalf of their lords in court hearings.

Thomas Fotheringham of Powrie was bound to the fifth earl of Crawford, though in retinue rather than manrent⁸⁹ and was a man of some legal experience. He regularly appeared before the Lords of Council between 1478 and 1485, albeit mostly in his own defence,⁹⁰ and came regularly to sit as one of the lords auditors during the 1480s.⁹¹ His abilities were such that he was appointed one of the 'Juges arbituris' in a case between the brothers Home, George of Wedderburn and Patrick of Polwarth, and the laird of Hardmanston in 1479/80,⁹² and acted on behalf of the king in a case of 1482/3.⁹³ David, earl of Crawford, was no doubt fortunate to be able to call on his services, as procurator in the 'acciouns causis and summondis movit ... again James Lord Hamiltoun and be James Lord Hammiltoun again the said David' in 1478,⁹⁴ and again in 1480 to assure the Lords of Council that he had infested the countess of Ross in the lands of Callendar.⁹⁵

88. Brown, 'Bonds of Manrent', 97-8.

89. SRO, GD 121/2/3, bundle 4.

90. ADC, 14-105*, passim.

91. ADA., 110, 115*, 122*, 136*, 138*.

92. ADC, 46.

93. ADA, 110.

94. ADC, 18.

95. Ibid., 79.

Procurators were not uncommonly sent by lords, and indeed by those outside the peerage, to compear in court and testify in their stead - other examples are the compearance of James Innes of that ilk on the earl of Huntly's behalf on 10 March 1478/9,⁹⁶ and of David Balfour of Carriston for the earl of Atholl on 18 February 1483/4, both before the lords auditors.⁹⁷ There does, however, seem to have been some restriction upon procuratory; whether the restriction would apply to the circumstances of the case or to the standing or legal knowledge of the intended procurator is uncertain, but in May 1471 the earl of Rothes, after summoning eight persons before the auditors, sent as his representative only a servitor 'without powers to excuse him' and he was not acceptable as a procurator.⁹⁸

Legal assistance was not confined to procuratory - the examples of two individuals who were actually described as jurisperiti, namely John St Michael of Whitcheater and James Parkley of that ilk, show that the services of men with some breadth of legal knowledge would be found useful by a lord. Both men had ties with the earls of Douglas: St Michael was a tenant in the Douglas barony of Hawick,⁹⁹ and ultimately forfeited with the Douglasses,¹⁰⁰ whilst Parkley, though not apparently forfeiting, in spite of the suspicious timing of his death,¹⁰¹ did find his way out of Linlithgow, for which burgh he served as a commissioner to parliaments and general councils, and in which he probably dwelt,¹⁰²

96. ADA., 70.

97. Ibid., 129*.

98. Ibid., 12.

99. RMS., ii, no. 772; iv, no. 91. Nat. grid ref. (Whitcheaters) NT 472110.

100. APS, ii, 42.

101. Between 12 July 1454 and 14 July 1455: ER., v, 648; vi, 92.

102. APS, ii, 55, 56, 59, 61; Binns Papers, no. 7 and n.

on at least two occasions to witness charters involving the seventh and eighth earls.¹⁰³ For the most part their careers ran independent courses,¹⁰⁴ but on two occasions when their services were called upon by the Douglasses they appear to have worked in concert. The first occasion was at an ad hoc court held in the vestibule of the Dominican friary in Perth at a date which is difficult to place more exactly than between 1424 and 1437.¹⁰⁵ There the two jurisperiti helped the fifth earl of Douglas to secure a moral, if not a material victory over the earl of Atholl in a dispute over lands in the lordship of Methven. Atholl, the lord superior, seems quite legitimately to have regarded the lands as escheat when Douglas's father disposed of them without his consent, and yet a compromise — the delivery of the lands to the king, was agreed upon. The second occasion concerned the clarification of the seniority of the eighth earl's twin brothers, which took place in Edinburgh on 25 and 26 August 1447.¹⁰⁶ Both men put their seals to the indenture between Archibald, earl of Moray and James Douglas, although only St Michael witnessed the subsequent decision in favour of the latter. There can be little doubt that their legal knowledge was put to good use in the matter, and if, as is possible, in spite of the equivocal wording of the indenture, Parkley and St Michael were councillors of the earl of Douglas, it probably was on account of their expertise.

103. RMS, ii, no. 246; Fraser, Douglas, iii, 429.

104. Coupar Angus Chrs., 41, 43; APS, ii, 57, 60; Dunf. Reg., 285; RMS, ii, nos. 203, 397; HMC Rep. xii, App. part viii, 107, no. 53.

105. ER, vi, 245-6. The dates are the deaths respectively of the fourth earl of Douglas and James I.

106. RMS, ii, no. 301.

James Gifford of Sheriffhall was evidently another with some legal experience, for though never termed jurisperitus, he was justiciar to the earl of Morton,¹⁰⁷ and the bond of manrent which he gave to Morton on 10 May 1482 made specific reference to the rendering of assistance in court, both to the earl and to the earl's men - assistance which was valuable enough for Gifford's expenses in giving thereof to be reimbursed:

' ... gif he has ony summondis or acciounis befor our souerane lord and his consell quhaveuer thai happyn to be for the tyme or 3hit till all Justicia ayris or chawmerlane ayris quhar his men sal happyn to be endyttit or arrestyt till replegis my forsaide lordis men to his fredome and to ansuer tharfor hym and thaim efter the wit and knowlege that gode leuys to me for the tyme my forsaide lorde erle makande to me tymous warnyng theraponne together wyth myne ordinar expensis...'.¹⁰⁸

Falling under the general heading of aid in legal matters, though not related to litigation, is assistance rendered in certain aspects of conveyancing for which the presence of the lord was not essential. Procurators could be appointed to effect a resignation, attorneys to receive sasine and bailies to give sasine. Neither the lord of Dalkeith nor the earl of Douglas was present when the former's sasine of Buittle was broken in favour of the latter in 1441.¹⁰⁹

The bond of manrent - used in the foregoing to give guidance as to how service of a general sort might manifest

107. Mort. Req., ii, 224-26.

108. Ibid., 245-7.

109. Ibid., 210-11.

itself - was infrequently given in connexion with the more specific service involved in bearing office. Being chiefly a means whereby a lord could extend his network of parttakers among men who were themselves of some substance, the bond of manrent was not designed to furnish a lord with his household officers, most of whom were likely to reside at or close to his principal dwelling and be in frequent attendance upon him.¹¹⁰ On the rare occasions when office and manrent were linked it would seem to have been the administration of a lord's further-flung properties which was involved - as for example with the appointments by George, second earl of Huntly of Alexander Home of that ilk as his bailie of Gordon and Fogo in Berwickshire,¹¹¹ and by David, fifth earl of Crawford of John Lindsay of Covington and his son and apparent heir as bailies of Crawford and keepers of Crawford Castle.¹¹² More regularly was the bond of manrent unconnected with any tangible reward,¹¹³ and, since office was plainly a source of remuneration or profit, it is evident that material for an examination of the affinity's role in the management of a lord's estates has to be sought elsewhere.

Letters conferring household office are not to be found with any ease - providing any survive at all - but references to individuals as holders of what may be presumed to have been household office are comparatively copious. This is not to say that any given officer will invariably be identified in record by his office - indeed, there are almost certainly officers whom

110. Brown, 'Bonds of Manrent', 175-82.

111. HMC Rep. xii, App. part viii, 139, no. 169.

112. NLS, Acc. 5474, bundle 58.

113. Brown, 'Bonds of Manrent', 54-55, 92-93.

no surviving writ identifies as such - but there is at least a sufficient body of information to give an idea, despite some confusing variations in nomenclature, of the principal office-bearers which a magnatial household might contain.

The two household officers most frequently identified are the secretary and the chamberlain. More often than not these offices were given over to graduates and those in holy orders. Thus, Master William Foulis, parson of Cambuslang, Master John Ralston, parson of Douglas, and Master John MacIlhauch, parson of Kirkandrews, were respectively secretaries to the fourth and fifth earls and the dowager countess of Douglas.¹¹⁴ Similarly, the chamberlain of John, earl of Ross and lord of the Isles was Thomas Dingwall, subdean of Ross,¹¹⁵ and the three known chamberlains of the fifth earl of Crawford were all graduates or clergymen.¹¹⁶ Exceptions can be found, nonetheless: Mark Haliburton, secretary of the last earl of Douglas, and Thomas Harvie, chamberlain of the first earl of Morton,¹¹⁷ were neither priests nor graduates.

Master James Lindsay of Covington is identified in particular as first secretary to the eighth earl of Douglas,¹¹⁸ and this perhaps gives some clue as to the function of the secretary, suggesting that he would have presided over other clerks. In the absence of a significant number of references to magnates'

114. RMS, ii, nos. 13, 86; HMC, Rep. xiv, App., part iii, 22, no. 41; Bryce, Grey Friars, ii, 101-2.

115. Cawdor Bk., 49-50.

116. See below, pp. 121-2.

117. SRO, GD 25, no. 55; see below, p. 177.

118. CSSR, iv, no. 1071.

chancellors it seems quite likely that the secretary was in charge of the lord's seal and of the body of clerks responsible for the issue of writs.¹¹⁹ Where regalian powers were vested in a lordship this body would be termed the lord's chapel or chancery, and with the greater responsibility attached thereto¹²⁰ might well have comprised a significantly larger collection of clerks than that connected with a lordship of merely baronial status. A comparison of the charter witness-lists of the fifth earl of Crawford and the first earl of Morton may indicate that this was so.¹²¹ Those styled 'our clerk' in witness-lists and possibly even 'our chaplain' can be treated as members of the secretarial staff, although in the case of the latter it is rather more likely that responsibilities were oriented towards the lord's spiritual well-being.

No doubt the secretarial staff would also be required to assist the chamberlain, whose main function in lordships both regalian and baronial would be to receive and disburse the lord's revenues.¹²² In large or scattered lordships the role of a centrally-based chamberlain would involve less a personal responsibility for the

119. The master of the Isles evidently had a chancellor in 1485, but it seems doubtful whether such an officer had a truly separate identity in a magnatial context; Michael Ramsay was appointed chancellor and chamberlain of the lordship of Annandale by the fourth earl of Douglas in 1423, and Master John MacIlhauch was not only secretary to the dowager countess of Douglas but, according to a charter of 1426, her chancellor as well: SRD, RH, no. 517; RMS, ii, nos. 87, 143; see above, n. 114.

120. Lords of regality had powers elsewhere restricted to the king, to deal with the service of heirs and to hold courts with jurisdiction over the king's pleas.

121. See Tables I and III below, pp. 362-3, 370. The earls of Crawford held very little land in regality, whereas the lords of Dalkeith possessed little or no land that was not held in regality. It has to be admitted, however, that the theory does not hold good for the regalities of March and Annandale as held by the duke of Albany: see Table IV below, p. 374.

122. Sanderson, Rural Society, 26-27.

task than a responsibility for accounting for revenues collected by sundry locally-based officers.¹²³ In regalities the chamberlain would also have, in theory at least, a judicial function. It is not improbable that this would have been the case in lordships that were judicially baronial, with the chamberlain presiding over a single central court resulting from the unification, as a royal favour, of a lordship's various constituent baronies.¹²⁴ However, it is the chamberlain ayres that lords of regality were empowered to hold which have the most obvious connexion with the office of chamberlain, and some difficulty arises here in dealing with the terminology employed. Chamberlain ayres as they pertained to the king's justice were held in and dealt with matters arising in burghs.¹²⁵ The regality of Dalkeith could apparently have chamberlain ayres,¹²⁶ but in the fifteenth century there was not a single burgh to be found within its boundaries.¹²⁷ The first earl of Morton certainly had a justiciar, distinct from his chamberlain, whose presidency over the regality's justice ayre is unequivocally attested.¹²⁸ Quite how this court could have differed from the chamberlain ayre is not immediately obvious, and it is possible that the administration of justice beyond the competence of barony courts was undertaken by the earl through only one sort of ayre. If this was so it may not have been especially unusual.

123. Ibid., 27.

124. The usual presiding officer of the court of a single barony was the bailie of that barony: Sanderson, Rural Society, 11; see below, p. 53.

125. Nicholson, The Later Middle Ages, 17.

126. Mort. Req., ii, 208.

127. Dalkeith had, in theory, been erected into a burgh of barony in 1401, but is only ever referred to as a town in the 15th century. It was not erected into a burgh of regality until 1540. Aberdour was a burgh no earlier than the 16th century: G.S. Pryde, The Burghs of Scotland, a Critical List (Glasgow, 1965), nos. 133, 177, 216.

128. Mort. Req., ii, 225.

Michael Ramsay, appointed chamberlain of Annandale by the fourth earl of Douglas in 1423, was empowered to hold chamberlain ayres,¹²⁹ and yet royal accounts of the lordship from the 1450s refer only to the holding of justice ayres.¹³⁰ Likewise are justice ayres the only courts recorded as having been held in the regality of March around the same time,¹³¹ and it is notable that no chamberlain for either of the lordships can be found for the period during which they were held by the duke of Albany. It would appear, in fact, that the presiding officers of the duke's head courts of March and Annandale were the respective stewards of these lordships.¹³²

Thus named, the office of steward may have been restricted to certain large southern regalities. These, being large components of yet larger lordships, can be treated as being administered by officers who, as a class, fall somewhere between household and local. 'Steward' as used by the duke of Albany to denote his principal agents in March and Annandale may be more or less synonymous with 'chamberlain' even though these officers were both lairds¹³³ and any financial responsibilities of theirs go unrecorded. The use of the term by the Douglasses is more clear-cut: Michael Ramsay may have been called 'chamberlain of Annandale' but a predecessor in what may be presumed to have been the same office was called 'steward';¹³⁴ Alexander Muir and Mark Haliburton, at different times the agents in charge of Galloway above the Cree, were called 'steward of Kirkcudbright' - a style apparently synonymous

129. RMS, ii, no. 143.

130. ER, v, 521; vi, 62, 274, 333, 444.

131. ER, v, 489, 580; vi, 94, 184, 624; vii, 97, 564.

132. ADA, 47; SRO, GD 12, nos. 51-52; Lag Chrs., no. 16.

133. George Cunningham of Belton and William Douglas of Drumlanrig: see below, pp. 252-3, 259.

134. RMS, ii, no. 242.

with 'bailie'.¹³⁵ Elsewhere the office of steward was probably more firmly based in the household: Ewan Macdonald in 1463 and Lachlan Maclean, master of Duart, in 1467 are named as stewards specifically of the house of the lord of the Isles,¹³⁶ and it is clear that an officer of a similar type was employed by the duke of Albany, although designed 'master of the household',¹³⁷ no doubt to avoid confusion. These are isolated examples, but it is likely that bearers of kindred office existed and go unidentified.

Information on other officers who might be seen as being based in the household is hard to come by. It is likely that a notary public would be attached to some magnatial households in much the same way that they were attached to burghs; not in a manner excluding private practice, but enjoying a principal source of regular commissions.¹³⁸ Two magnates certainly employed heralds, and they are unlikely to have been the only ones. Thomas Gray, called Slains pursuivant, is found attesting a charter of the earl of Erroll in 1456,¹³⁹ and the herald of the fourth and fifth earls of Crawford - known, to the exclusion of any reference to his real name, as 'Endure' and later 'Lindsay' pursuivant - was in the remarkable position of being supported by pensions authorized by the king.¹⁴⁰ Yet more picturesque is the office of chief poet to the lord of the Isles held by Lachlan MacMurrich.¹⁴¹

Few of those responsible for keeping castles - men known, apparently interchangeably, as constables, captains or keepers -

135. RMS, ii, nos. 87, 133; HMC Rep. xi, App. part vi, 17, no. 18.

136. RMS, ii, no. 801; Cawdor Bk., 50.

137. SRO, GD 158, no. 42; Laq. Chrs., no. 18; HMC Rep. xiv, App. part iii, 66, no. 7.

138. Prot. Bk. Young, p. vii; J. Durkan, 'The Early Scottish Notary' in The Renaissance and Reformation in Scotland, eds. I.B. Cowan and D. Shaw, 34.

139. HMC Rep. v, App., 625.

140. See below, pp. 125-6.

141. SRO, RH, no. 517.



might be classed as household officers. A given magnate could well possess a number of castles as the chief messuages of various scattered properties, but would be unlikely to reside regularly at more than one of these, and need not even have stayed in any other than on brief visits. The constable of Dalkeith under the first earl of Morton and the captain of Dunbar under the duke of Albany can be regarded as household officials and were, it is worth noting, both lairds.¹⁴² Many others could obviously not be of the household - the fifth earl of Crawford evidently spent most of his time in the burghs of Dundee and Edinburgh in preference to dwelling at his caput of Finavon, let alone his castles of Crawford, Edzell and Strathnairn;¹⁴³ the first two earls of Huntly and the last two earls of Douglas seem to have been regularly on the move, issuing writs at various of their messuages and in different burghs.¹⁴⁴ In contrast constables would, by virtue of their office - to which might also be added the bailiary of the property on which the castle stood¹⁴⁵ - be obliged to remain most of the time in the vicinity of their charges.

142. James Gifford of Sheriffhall and John Ellam of Butterdean: see below, pp. 150-1, 220-1.

143. See Table I below, pp. 364-6.

144. Ten venues saw the issue of seventeen writs by the 8th and 9th earls of Douglas: Fraser, Douglas, iii, 422, 426, 429, 431; HMC Rep. xi, App. part vi, 17; Rep. xii, App. part viii, 127, 146; Rep. xiv, App. part iii, 24-25; Bryce, Grey Friars, ii, 102-3; Melr. Lib., ii, 572-3; SRO, GD 25/1, nos. 33, 55; GD 184, no. 5. Thirty writs given by Alexander Seton/Gordon, later 1st earl of Huntly and his heir were given at a total of thirteen venues: A.B. Ill., ii, 131-2, 271n; iv, 341-2; Familie of Innes, App., 75-76, 77-78, 79, 87, 91n; HMC Rep. xii, App. part viii, 135, 138, 139; RMS, ii, nos. 240, 278, 370, 1065, 1260, 1438, 1550, 1985, 2289, 2312, 2389, 2811; iii, no. 2100; The Records of Aboyne 1230-1681 (New Spalding Club, 1894), 6-7, 12-13, 22-24.

145. As in the case of John Turnbull, the 5th earl of Douglas's bailie of Sprouston and constable of Newark in the late 1430s, and sir Alexander Forbes of that ilk, appointed keeper of the lands and castle of Strathnairn by the 2nd earl of Crawford in 1432: HMC Rep. xiv, App. part iii, 9, 22, nos. 4, 41; A.B. Ill., iv, 393n.

Beyond the household too were the local officers in charge of the individual components of a lord's estate. Chief among these was the officer normally styled 'bailie', who in general is to be found as the agent looking after the lord's interests in a single barony.¹⁴⁶ His role is well enough documented in surviving examples of the letters by which bailies were appointed:

'...to sett fermys malis annuell rentis ande uthir rentis commoditeis and profictis to lyft ande raise til oure proffit courtis to hald trespassouris to punys amerciamentis ande unlawis to lyft ande raise ande gif mystir be to distrenge tharefoire the tennandis and inhabitantis (of) the landis of the said lordschip ... thaire catell ande uthir gudis before quhatsumeuir jugis thai be attaichit or arrestit to replege borow to the priuelege and fredome of the said court and al and sindra uthir thingis to do exerce ande use the quhilk of law or custume to the office of baljery ar knawin to pertene..'.¹⁴⁷

However, the identity of bailies is frequently not easy to discern. Excepting letters of bailiary, the main source for the names of bailies are precepts and instruments of sasine, which reveal respectively the names of bailies empowered to give a particular sasine and those who actually carried out the task. It would appear from these writs that the majority of persons nominated to give sasine were in fact bailies appointed ad hoc; precepts normally describe bailies as 'specially deputed' or in hac parte¹⁴⁸ or both, and their ad hoc status is emphasized by the fact that most precepts were directed to two or more persons entitled to act 'jointly and severally' - presumably in the hope that one of those named would be

146. Sanderson, Rural Society, 11, 25; Grant, 'The Higher Scottish Nobility', 113.

147. This passage is taken from letters of bailiary given by David, earl of Crawford on 29 July 1465 to John Lindsay of Covington and John his son and apparent heir. The lordship involved was the barony of Crawford-Lindsay: NLS, Acc. 5474, bundle 58.

148. Donaldson, The Sources of Scottish History 21.

available to carry out the task.¹⁴⁹ Exactly why ad hoc bailiary was the norm remains to be explained, although it is possible that a permanent bailie's name will appear among those of a group of nominees. The description 'specially deputed' will, however, be applied to all. In addition it is fair to say that instruments of sasine survive in greater numbers than their preceding precepts, and an instrument on its own which fails to narrate the text of the precept gives no indication of whether or not the bailie in question was ad hoc. Precisely how appointments to bailiary should be interpreted is unclear. No doubt all those named in a precept would be sufficiently well-thought-of by the grantor to be entrusted with the task, but it is possible that associates of the grantee rather than the grantor would be nominated. Where it appears that an individual was repeatedly nominated to give sasine it might be inferred that he did hold permanent office. This need not specifically have been that of bailie - a nominee might have been one of the permanent bailie's subordinates, the most commonly encountered of which is the serjeant of a barony.¹⁵⁰

As in England, where 'a lord's control over county government by nominating the local officers was ... a foremost objective of retaining',¹⁵¹ office-bearing outside the lord's own administrative organization could be an expression of service. This sort of 'control' could be achieved most easily where a lord was himself an agent of the crown and was able to appoint deputies and

149. Lag Chrs., no. 17, shows a precept directed to seven bailies.

150. Serjeants need not, however, have been personally appointed by the lord: SRD, GD 243/23/3, no. 2. Other lesser officers are noted in Grant, 'The Higher Scottish Nobility', 114.

151. Dunham, Lord Hastings' Retainers, 29, 37-39.

subordinates. It might also be achieved by petitioning the king on behalf of parttakers, so that royal courts, castles and lands could fall within a lord's sphere of influence. The fifth earl of Crawford, as a prominent member of the government of James III, undoubtedly had the opportunity to attempt this sort of patronage, and it would seem that the opportunity was taken and the attempt attended with some success.¹⁵²

Evidence from the fifteenth century of the extension of magnatial influence into burghs is rarely so satisfactory as the bond of manrent given by the burgh of Aberdeen to the earl of Huntly in January 1462/3,¹⁵³ and besides many dealings with burgesses may merit treating as being founded upon financial expediency rather than affinity.¹⁵⁴ It is, nevertheless, worth bearing in mind that, short of forging alliances with prelates and other peers, the only means for lords to extend their influence in parliament was to have parttakers serving as burgh representatives.¹⁵⁵

The function of the affinity from the point of view of those whom it included has been convincingly demonstrated - at least with regard to the class of men who gave bonds of manrent. Manrent was usually offered in return for a promise of maintenance - what in England was termed 'good lordship' - which seldom included any tangible consideration and was defined in terms no more precise than those found in the bond of manrent.¹⁵⁶ Promises found in surviving

152. See below, pp. 86, 91, 119, n.293.

153. Aberdeen Council Register, i, 22.

154. See below, pp. 103-4.

155. The situation was rather different in England; Dunham, Lord Hastings' Retainers, 30-36.

156. Brown, 'Bonds of Manrent', 54, 92-93, 107, 201.

examples of the bonds which were given by lords in return for manrent - if not invariably, at least in most cases - cover much the same sort of ground as those of their counterparts.¹⁵⁷ The absence of a 'riding and ganging' clause is plainly essential, but there are promises of counsel in some bonds, and for the remaining clauses it can be seen that the promise to 'maynteine suple and defend' a man's 'persone men and enherdence ... and all his actionis causis and querelys leveful and honest',¹⁵⁸ typical of bonds of maintenance, contains the same elements of assistance and protection featured in the bond of manrent. This, it would appear, sums up the available information concerning the theory of maintenance. Whether it is possible to discern many magnates' parttakers from evidence of the theory being put into practice is, however, another matter.

There are instances of great men witnessing the writs of lesser men¹⁵⁹ - something which hints at the rendering of counsel - and there are indeed a few specific acknowledgements of counsel and aid, chiefly mentioned by way of preamble in the small body of charters given by lesser men to greater.¹⁶⁰ There are instances of lords acting as procurators on behalf of men, both for the purpose of feudal conveyancing and in litigation,¹⁶¹ and playing a part in matters of executory.¹⁶² These, however, amount to very little.

157. Ibid., 107, 201.

158. Rylands, Crawford, box E, (David Lindsay of Beaufort, 9 May 1486).

159. A.B. Ill., ii, 328-32; RMS, ii, no. 1427.

160. Ibid., nos. 146, 246, 271, 355; HMC Rep. iv, App., 496; Rep. ix, App., 188-9; Rep. xii, App. part viii, 113, 136-7.

161. Ibid., 176; Rep. vi, App., 608; ADA, 39, 92.

162. HMC Rep. xii, App. part viii, 87-88, 109.

Much legal assistance was probably provided outside the courts of law - as, for example, in the settlement of disputes among parttakers before the lord's council or arbitrators nominated by the lord,¹⁶³ and in the procurement of out-of-court settlements. Thus would this aspect of maintenance be prevented from manifesting itself in court records even if these were available on a large scale.¹⁶⁴ In any case, assistance need not be found being rendered personally by lords - as the bond of manrent given by James Gifford of Sheriffhall to the first earl of Morton suggests, maintenance could be administered through other members of the affinity.¹⁶⁵

No doubt assistance in legal matters could extend to illegal assistance in legal matters, but evidence of this is extremely limited. Lawful assistance quite literally extended to unlawful assistance when the ninth earl of Douglas, cautioner for one David Duns, indicted at a justice ayre at Dunbar, took Duns away with him without paying his ten-pound fine.¹⁶⁶ However, belief in the chimera of 'maintenance' in its English sense - that is to say the perversion of justice through intimidation, bribery, jury packing and the abuse of judicial powers - is generally encouraged only by circumstantial evidence.¹⁶⁷ It is easy enough to imagine that actual instances of lords securing for their adherents acquittal in criminal cases or favourable results in civil actions prompted the parliamentary pronouncements anent conduct in

163. A.B. Ill., iii, 404-5; HMC Rep. iv, App., 495; See above, pp.34-5.

164. Brown, 'Bonds of Manrent', 211-12, 217-20.

165. Mort. Req., ii, 245-7.

166. ER, v, 582.

167. Nicholson, The Later Middle Ages, 312, 384, 428-9.

attending court and perjury.¹⁶⁸ It is rather more difficult to cite specific examples of the same. There is certainly a dearth of sheriff, baron or regality court records surviving from the period before 1500,¹⁶⁹ but it is a little surprising, if the perversion of justice were taking place to any significant extent, that complaints about proceedings under judges ordinary should be so hard to find in the records of the central courts of justice. The identification by William Sinclair of Herdmanston, pursuer, of the earl of Angus as a judge ordinary partial to the Homes of Wedderburn and Polwarth, defenders, in an action concerning possession of the lands of Kimmerghame in Berwickshire in 1471, is far from typical.¹⁷⁰ Prospects for exercising illegal maintenance before the lords of council and the lords auditors, for their part, seem to have been slight. The same dispute between Sinclair of Herdmanston and the Homes shows both pursuer and defenders naming certain auditors as partial and having them excluded from sitting on the case.¹⁷¹ Aside from all this, it seems that the main thrust of complaints about the state of justice in the realm was directed against the number of remissions granted by the crown,¹⁷² and it may be that efforts by lords to secure freedom for parttakers guilty of

168. APS, ii, 16, 51, 177.

169. Donaldson, The Sources of Scottish History, 25.

170. ADA, 13, 17.

171. ADA, 13.

172. Macdougall, James III, 99, 120, 201-3, 299.

lawbreaking was orientated more towards petitioning and paying for remissions and respites than towards preventing conviction in the first place.

Evidence of protection of parttakers is yet scantier, but this could be taken to show how effectively protected men were; the mere knowledge that an individual's person and property were under the watchful eye of a mighty patron could be sufficient to ward off would-be assailants.¹⁷³ It would be interesting in this respect to discover how many of those who raised actions before the auditors and the lords of council were men who lacked the patronage of a lord. Responses akin to that of the eighth earl of Douglas following the murder of his associate the laird of Auchinleck in 1449 were plainly a last resort,¹⁷⁴ and it is likely that protection seldom involved violent retribution. Where remedy was required it is far more likely that a financial settlement would be sought by a lord before he picked up the sword.¹⁷⁵

The essentially intangible character of maintenance does not, however, rule out the possibility of identifying parttakers through evidence of material reward for service. This is theoretically straightforward in the case of clerics, whom the lord might reward through powers of patronage. It is by no means possible to identify those with the right of presentation in every instance, but it seems doubtful whether a great proportion of parochial benefices remained in the hands of lay patrons in the fifteenth century. Lay patronage

173. Brown, 'Bonds of Manrent', 210.

174. Chron. Auchinleck, 41.

175. Brown, 'Bonds of Manrent', 211-13, 217-19.

was, however, extending into new areas by virtue of the late-medieval fashion for the endowment of chaplainries and the foundation of secular colleges.

Where reward for lay associates is concerned, the flaws in the feudal contract - chiefly that divided loyalties were possible and that the personal relationship between superior and vassal implied by the creation of a fief ceased to exist once the fief had been inherited, with this being followed by a natural evaporation of gratitude for the initial infeftment over succeeding generations - is clear enough.¹⁷⁶ Nevertheless, this does not mean to say that infeftment could not be used to reward: in the fourteenth and fifteenth centuries 'straightforward grants of land in return for service were still being made'.¹⁷⁷ That this remained so owed something, if not a great deal, to the absence of a statute comparable to that of Quia Emptores (1290) in England, which sought to restrict the proliferation of subtenancies.¹⁷⁸ In practice the creation of subtenancies was not taking place on a large scale in late-medieval Scotland; genuine alienations of land were few. The amount of land in tenandis tended to remain roughly the same, with most new tenancies being created out of fiefs which had fallen to a superior as escheat, or by substitution - when land was resigned to a superior in favour of another individual.¹⁷⁹ Providing the text of a charter includes, as most from the fifteenth century do, the clause commencing Quequidam which deals with the immediate past history of the fief, it can be determined whether

176. Brown, 'Bonds of Manrent', 58-60, where the failing is also observed that a lord might receive homage from a man who was more powerful and wealthy than he.

177. Grant, Independence and Nationhood, 135.

178. Ibid., 134.

179. Grant, 'The Higher Scottish Nobility', 197-8.

the infeftment concerned the simple inheritance of the fief, the replacement of one tenant with another, or an alienation. Alienations and gifts of lands recently fallen to the superior may, with some caution, be given consideration as a reward for service - particularly if there is nothing to suggest that the land was being sold. Gifts of any sort to burgesses invite the suspicion that a commercial transaction was involved; unlike lords burgesses were creators of wealth, and in an era when rents were lagging far behind the rate of inflation there was some incentive for lords to exchange land for the proceeds of mercantile activity.¹⁸⁰ Inheritance has no implications unless coupled with a change in the terms of tenure. Substitution is rather more difficult to interpret: it might be considered that the superior was rendering a service to either the individual resigning the land or the person in whose favour it was resigned; it may be more likely that any affinity involved in the transaction lay between the outgoing tenant and his replacement; if a payment was involved, then the entire business can be taken as purely commercial, with the superior merely playing the part required of him.

One form of infeftment that gained in popularity in late-medieval Scotland,¹⁸¹ and which has been seen in part as an indication that service was being rewarded,¹⁸² is that conveying land to be held in blench ferm. The terms of orthodox feudal tenure, to the extent that they were subject to definition, were that military service should be rendered by the vassal, that the superior had a right to casualty - principally ward (the use of a fief left to a minor heir) and relief (a payment due upon inheritance) -

180. *Ibid.*, 259; Nicholson, 'Feudal Developments', 9-10.

181. Grant, 'The Higher Scottish Nobility', 188-9. Kelley, 'The Douglas Earls of Angus', 175.

182. Rodger, Feudal Forms, 28.

and that the vassal owed suit (jury service) at the superior's courts.¹⁸³ The orthodoxy of these terms is summed up in the phrase 'service used and wont' by which their application to a fief was frequently expressed in charters and retours. Blench ferm tenure normally involved the waiving of all these terms except for the obligation to render suit of court.¹⁸⁴ In their place stood a token reddendo - a yearly payment, and only if asked for, at a given place and on a given day of, most commonly, a penny or a rose, or sometimes items of more obvious use or realizable value, like a pair of gloves or spurs, pepper, cumin or a greyhound. Superficially a gift of lands in blench ferm, or a conversion to blench ferm from more onerous tenure, would appear to be a major concession by the grantor, and might in itself be taken to represent a reward for service. Further encouragement for a belief that affinity can often be indicated by blench ferm tenure is the apparent regularity with which charters conveying land to be held in this way contain prefatory remarks referring, for example, to the grantee's 'faithful service, oftentimes rendered and to be rendered', and using the possessive pronoun and adjectives like 'beloved' in addressing the grantee.¹⁸⁵ Although none of these is actually exclusive to blench-ferm charters, and might all be treated as common elements of charter diplomatic, such an interpretation is not altogether unreasonable. It is obvious that land already held in fee and heritage could only be re-used as a reward for service if the terms of tenure were lightened, and quite plausible that a gift of lands not formerly held by the grantee would

183. Ibid., 26-34.

184. Ibid., 29; Grant, 'The Higher Scottish Nobility', 191. Suit of court seems to have been regarded as a blench ferm reddendo in some cases: RMS, ii, nos. 153, 189, 275.

185. Rodger, Feudal Forms, 28; Grant, Independence and Nationhood, 135.

be made in blench form 'as a reward for some signal service, so important as to merit exemption from all future service'.¹⁸⁶

On the other hand it is evident that the 'signal service' might merely be the payment necessary to purchase the land; many blench form charters refer to the payment beforehand of a sum of money, and it is possible that others involved sales without making reference to the fact.¹⁸⁷ No affinity between grantor and grantee need be inferred from a sale, and it is also worth considering how much can be inferred from any gift of land in blench form, irrespective of whether the 'gift' was a purchase: how much was the waiving of military service, ward and relief worth? By the fifteenth century lords had ceased to create fiefs which were to be held for the provision of knights or men-at-arms, and it is doubtful whether military service retained much relevance for existing fiefs either.¹⁸⁸ It seems highly probable that the magnates' contribution to ^{the} host of the kingdom consisted largely of their personal followings and had very little to do with definite military obligations; 'service used and wont' pointed to the traditional forms of terms of tenure, but implied that whatever had emerged as acceptable was to be applied. As for casualty, if doubt can be cast upon the care with which the crown managed its income from this source, it might also be asked whether the tenants-in-chief were any more prudent.¹⁸⁹ In any event, it is plain that to hold a fief in blench form was no more effective a safeguard against non-entry than to hold by ward - non-entry left the issues

186. Rodger, Feudal Forms, 28.

187. Grant, Independence and Nationhood, 135.

188. Ibid.; Grant, 'The Higher Scottish Nobility', 187-8, 196.

The crown was still creating a small number of military holdings: Nicholson, 'Feudal Developments', 6.

189. Nicholson, The Later Middle Ages, 567.

of the fief in the superior's hands no matter what the terms of tenure were.¹⁹⁰ The net concession involved in a gift of land in blench form can thus be seen as somewhat restricted; it amounted to a waiving of relief.¹⁹¹

Reservations as to how far they can be treated as representing reward must also be expressed with regard to other forms of conveyance which were becoming common in the later middle ages. Gifts in feu form, which differed from blench form to the extent that the reddendo was related to the actual value of the lands,¹⁹² and by wadset — a sale whereby the land could revert to the grantor, usually after the expiry of a given period, upon the payment of a fixed sum to the grantee in refund of the purchase price — are more easily attributed to economic considerations than to a desire to reward service. The same is true of tacks — in effect the same as gifts in feu form, except that they operated until the expiry of a given number of years. It may be that the form of infeftment most closely associated with reward for service is that which conveyed land to be held until the death of the grantee. This relatively uncommon type of infeftment¹⁹³ had the merit of ensuring that the chances of the evaporation of gratitude for a gift on account of its heritability were kept to a minimum.

Evidence of reward may be restricted largely to evidence of infeftment, but recognition of service in a tangible manner could

190. Grant, 'The Higher Scottish Nobility', 192. Rodger, Feudal Forms, 11.

191. This is to ignore 'marriage', but it seems less than clear that this casualty was widely applied in fifteenth-century Scotland. It was, in any case, avoidable with a minimum of good fortune: Rodger, Feudal Forms, 30-31.

192. The distinction was not invariably quite so straightforward as this: Grant, 'The Higher Scottish Nobility', 189; ADC, 117*.

193. Brown, 'Bonds of Manrent', 119.

take some other forms. Pensions, whether or not drawn from a specified source of the lord's income, such as a piece of land, were awarded in the later fifteenth century, albeit infrequently.¹⁹⁴ Identification of those receiving heritable pensions, however, need be no more useful in distinguishing parttakers than the identification of those holding land in fee and heritage. Single payments or the allocation of items of casualty should, on the other hand, be fairly reliable for indicating that service was being rewarded.¹⁹⁵

More incidental reward came from serving with a lord in time of war. A successful campaign could yield booty and ransomable prisoners, and the practice of thirding ensured that those who participated in the seizure of men and goods received their share of the profit.¹⁹⁶ However, open war with England, and more particularly open war which involved a major invasion of English territory and provided all members of the host with an opportunity for profit, was not a notable feature of Scotland's political history in the fifteenth century. Ransoms and booty could, it seems, lawfully be obtained in civil war,¹⁹⁷ and no doubt were also unlawful by-products of feud and spuilzie, but they were of greatest significance to those attached to lords residing in the vicinity of the border. For the denizens of the borders the profits of war probably retained continuous relevance, with their importance diminished but not wholly denied by the periods of peace and truce which rendered their acquisition unlawful. References to this sort of remuneration are not numerous,¹⁹⁸ but the

194. Nicholson, 'Feudal Developments', 20.

195. Grant, 'The Higher Scottish Nobility', 194, 197.

196. D. Hay, 'Booty in Border Warfare', TDGAS, 3rd ser. xxxi (1954), 162; ADA, 112*.

197. Prot. Bk. Young, no. 156.

198. The lords auditors dealt with disputes over the division of ransoms in 1478/9 and 1483: ADA, 72, 112*. Both involved John, Lord Carlyle.

profitability of raiding does at least seem to shed light upon the nature of the relationship between the duke of Albany and various persons accused of complicity in his alleged treasons in 1479 and others who rode with him in 1482.¹⁹⁹

The most basic form of reward was that given to the men who as individuals were the least important, but in number formed the greater part of the lord's affinity: those 'familiaris',²⁰⁰ 'portaris, waichmen',²⁰¹ janitors, gaolers,²⁰² 'servandis and dependaris',²⁰³ who resided with the lord and made up the bulk of his household and retinue. Their service was probably rewarded purely with their keep - supplied, it has been suggested, out of the lord's victual rents.²⁰⁴ Some - mainly those to be classed as unbeneficed clerks and 'household squires',²⁰⁵ - may be identifiable, but the majority are not, with their names most likely being concealed behind the words et multis aliis used at the end of charter witness lists.

Identification of the members of a magnatial affinity is not, however, dependent wholly or even primarily upon evidence of service

199. APS, ii, 128; ADC, ii, 305; see below, pp.224-33, 278-80. For borderers maintenance might also be held to have included the opposing of attempts to secure lasting peace with England.

200. APS, ii, 51.

201. NLS, Acc. 5474, bundle 58.

202. HMC Rep. Milne Home, 182, no. 380.
A.B. Ill., iii, 525; iv, 72.

203. Brown, 'Bonds of Manrent', 182.

204. G. Donaldson, Scotland: James V-VII (Edinburgh, 1965), 7.

205. These are men who were of sufficient status to witness a lord's writ, but are not known to have enjoyed independent means. 'Squire' seems to have been applicable to quite a wide range of laymen below the rank of knight. For the present purpose it is used to denote laymen who were not burgesses and who bore no lairdly style but, whether landed or unlanded, were not apparently tillers of the soil.

and maintenance. As noted above, the staple source of information for identifying a Lord's associates remains the witness-list. This source is, in principle, neutral; it betokens no service rendered to or by those whose names it includes, but simply indicates their willingness to have their names used in attestation of a writ and, in all likelihood, their presence. Nonetheless, it is undoubtedly useful to know who would be in attendance upon a lord, and access to such knowledge is barely to be gained through any other source than the witness-lists of his writs and of writs which the lord himself attested or for whose confectioⁿ the lord's presence is otherwise known. More positively, where a comparison between witness-lists and more unified and substantial evidence has been possible - as in the case of James Douglas (I) of Dalkeith (1353-1420), whose two wills give the names of a quantity of beneficiaries, and Archibald, fourth earl of Douglas (1400-24), for whom there are lists of hostages who served in England on his behalf - some justification has emerged for the use of witness-lists in judging the composition of affinities.²⁰⁶

Certain well-known problems are, on the other hand, presented by witness-lists. In the first place their accuracy can be questioned: were those named actually present at the place and time when the writ was drawn up? There is, of course, no answer to this, but the matter of accuracy can at least be put into perspective. The practice of completing a document with the names of witnesses who were not present is more readily attributable to clerks of the royal chancery, from which issued

206. Grant, 'The Higher Scottish Nobility', 332-7.

a more or less constant stream of writs whose literal attestation may have been neither practicable nor necessary, than to magnates' clerks, who issued writs more intermittently, and who were likely to draw up charters at least on something of a formal occasion.²⁰⁷ There is besides sufficient variation to be found in the witness-lists of magnatials writs - even among those issued at the same place - to suggest that they are in large measure truthful. In addition, whether a given witness was present or not is hardly a matter of great importance in a magnatials context - and probably of limited significance where royal writs are concerned. If a clerk filled in names of persons without knowing that they literally were witnesses, he chose the names of persons whom he would expect to have been present. Such names would be the least likely to have been borne by individuals of peripheral significance to the lord.

The other principal problem in the interpretation of witness-lists is rather more significant, and would scarcely arise if they were not in some degree truthful. This concerns the inordinate number of incidental names which they contain - above all the names of persons who witnessed one known writ and never reappear. Gaining some idea of the composition of the 'inner' and 'outer' circles of a lord's affinity is not a particular problem; all those who witnessed three or more writs might be considered for allocation to one or other of these groups, and a further division at a certain number of attestations should allow a distinction to be drawn between those in regular and those in intermittent attendance upon a lord.²⁰⁸ Determining the relationship to a

207. Webster, Sources: Eleventh Cent. to 1603, 86.

208. Simpson, 'The Familia of Roger de Quincy', 106-7.

lord of those attesting just one or two of his writs is rather more difficult - how far can they be taken to represent a circle beyond the 'outer circle'?

The documentary advantages which the fifteenth century enjoys over its predecessors permits in many cases a plausible identification of those incidental witnesses whose ties lay with, say, the grantee of a charter or the person effecting a resignation. It also allows the plausible identification, through evidence of service, of certain other incidental witnesses as the lord's parttakers. However, deducting interested parties and giving credit to parttakers, though reducing the scale of the problem, fails to eliminate it. Those remaining can be excluded from consideration and treated as 'birds of passage'²⁰⁹ but this may not be altogether reasonable. The occasions when the names of men who were not of the lord's affinity would find their way into the witness-lists of his writs can hardly have been numerous; attestation by members of an ad hoc council of a writ given following their deliberations would produce names untypical of the wider body of witness-lists, and it is possible that the names of individuals of some importance encountered by a lord at court or who happened to be passing his residence might be included to give a writ some added prestige. Beyond this it is difficult to see what function the attestation of a 'bird of passage' might serve. Those who were with a lord were likely to be there for good reason - if they were not members of his household or office-bearers they were probably present to seek or give counsel or aid. In consequence it can be argued

209. Stringer, Earl David of Huntingdon, 150.

that a complete series of the acts of a given lord would produce a complete list of his wider affinity: witness-lists can rarely have omitted the names of persons present who were of greater importance than those who were recorded, and all who saw themselves as bound to render counsel and aid to a lord would surely have been in his presence on several occasions during their lives and have witnessed a handful of his writs. If, by a miraculous discovery, all a lord's missing acts could be added to those previously known to form a complete series, it would probably be found that the number of inexplicable incidental witnesses would fall somewhat in number and fall dramatically in proportion to the number of writs available. The only real problem, therefore, is that complete series do not exist, and could not be recognized as such even if they did. There is no means of knowing how representative of the whole the available witness-lists are.

CHAPTER THREE

THE COMPOSITION OF THE MAGNATIAL AFFINITY,
I : THE FIFTH EARL OF CRAWFORD

The salient characteristic of the career of David Lindsay (III), fifth earl of Crawford¹ is without doubt its politicality. His devoted service to James III during the 1470s and 1480s is amply demonstrated by his record of council attendance, his attestation of royal writs, his bearing office as royal chamberlain and master of the household, and by the rewards which the king – not noted as the fairest of patrons – bestowed upon him.² In consequence a great deal of his time was spent in Edinburgh, away both from his chief residence in Dundee and the comital caput of Finavon Castle. Discerning a reflexion of his political career in the make-up of his affinity is not at all easy; there seems to have been no particular effort on the earl's part to develop a range of contacts beyond his chief sphere of inherited influence, which lay in Angus and eastern Perthshire, and it is not even clear that the good offices of his royal master placed the earl in a position to emulate his father, who was said to have held 'all Angus in his bandoun'.³ There does, however, seem to have been a significant alteration in the composition of his body of associates around the time at which James III began his personal rule and the earl embarked in earnest upon his political career. Of some thirty-nine persons who witnessed two or more of the writs examined, which were issued

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1. Though created duke of Montrose on 18 May 1488 (RMS, ii, no. 1175), he is, for clarity's sake, referred to here as earl of Crawford throughout.
 2. Macdougall, James III, 82-3.
 3. Chron. Auchinleck, 17, 51.

by or drawn up in the presence of the earl, exactly one-third are found in the earl's company before and after the end of 1470. Of these thirteen there are eight who are not found in the earl's company before 1468.⁴ On the other hand this may be no more than coincidence. It might have taken the best part of the decade 1461-71 for Crawford to resolve any difficulties created by his eight-year minority⁵ - a period which can be taken to have restricted the extent to which he could inherit his father's associates, even though a dearth of attested writs of the fourth earl of Crawford makes this difficult to judge precisely. The earl was besides left with the consequences of certain events in the careers of his grandfather and father: parts of the Ogilvy kindred had been alienated as a consequence of a deadly feud in the mid 1440s, and the prestige of the Lindsays of Glenesk had suffered from a military reverse at the hands of the earl of Huntly in 1452 and from the fourth earl's subsequent, if short-lived, forfeiture.⁶ It seems probable that ground lost through these setbacks had not been fully recovered by the time of the fourth earl's death,⁷ and inherited difficulties would have faced the fifth earl even if he had been of sufficient age to take possession of his inheritance in 1453. His minority can only have delayed any attempt to reassert or extend the family's regional authority. Assembling a body of parttakers could have been no

4. See Tables Ia and b, II, below, pp. 362-3, 367.

5. His father died in Sept. 1453: ER, v, p.c, n. Earl David, although apparently taking sasine of the barony of Finavon in 1454, was retoured heir to the lordship of Crawford on 29 Nov. 1461: ER, ix, 663, 668; Rylands, Crawford, Box B, no. 63.

6. Nicholson, The Later Middle Ages, 344-5, 364, 366.

7. Aside from the laird of Clova, no bearers of the surname Ogilvy are prominent in the fifth earl's company: see Tables I a and b, II pp. 362-3, 367. Relations with at least one lairdly family - the Carnegies of Kinnaird - appear to have been strained after 1452: see below, p.95.

easier given that his affairs were not under his personal direction at various times during the 1460s; he was out of the country on perhaps three occasions⁸ and was also, for an indeterminate period in 1463, a captive of the exiled ninth and last earl of Douglas.⁹

The witness-lists of Crawford's writs issued up to and including the year 1470 are populated with the names of a variety of individuals whose importance to the earl can be treated as fleeting,¹⁰ limited or indirect. Some witnesses merely reflect the initial, brief phase of the earl's interest in politics: witnesses of writs given in Edinburgh in February 1463/4 include Bishop Kennedy of St Andrews, Lord Kennedy and Andrew Kennedy, who were members of one faction holding sway for a part of James III's minority; Sir Alexander Boyd of Drumcoll, with whom the earl concluded a bond before washing his hands of the Boyd-led administration of 1466-9;¹¹ and the earl of Argyll and Lord Avondale, who, like Crawford himself, were of more long-term significance to the government during the reign of James III.¹² Three other witnesses of the charters issued in January and February 1463/4 can be disregarded as adherents of the earl on the grounds of sheer improbability: two were knights from south of the Forth - Sir Alexander Forrester of Corstorphine and Sir Walter Scott of Kirkurd - whilst the third, Master George Abernethy, was provost of the collegiate kirk of Dumbarton. The

8. Macdougall, James III, 82-3; SRO GD 121/3, bundle 4.

9. RMS, ii, no. 786.

10. See Tables I, II below, pp. 362-3, 367.

11. Macdougall, James III, 70-1, 82-3.

12. Ibid., 46, 54.

last-named did witness both charters, but this hardly represents a lengthy spell of association with the earl of Crawford. Mere mention can be made of Patrick Col3bouryn and Richard Clark, incidental witnesses of charters issued by the earl in Edinburgh in 1468 and 1470, and though membership of the earl's affinity might be more likely in the case of Alexander Baldowie, Master Andrew Bell, James Cairncross and John Moncur - variously with Crawford at venues in Forfarshire in 1465 and 1467 - there is no evidence beyond their several solitary attestations to suggest this. An Angus laird - Alexander Lovell of Ballumbie, who was with the earl in Dundee in March 1469/70 - and three probable kinmen of the earl - Walter,¹³ William and Robert Lindsay, who witnessed Crawford writs respectively in Edinburgh in July 1465, in Dundee in January 1464/5 and at Meigle in 1467 - can be treated no more fully. William Auchterlonie of that ilk and David Dempster of Careston, two other Angus lairds who are known to have witnessed only one of the earl's writs - a charter given in Dundee on 31 March 1466 - were at least nominated as bailies to give sasine following thereupon.¹⁴

To be added to the list of apparently incidental early associates of the earl are three of the members of his eight-strong council, summoned to assist at Affleck in the conclusion of an agreement between Crawford and the laird of Affleck on 16 March 1466/7.¹⁵ Indeed, of Michael Durham of the Grange (of Monifieth), John Balbirnie of Invereighty and John Lour of that ilk there is

13. Walter Lindsay - who was almost certainly not the 5th earl's uncle and sometime tutor - was probably an ageing former associate of previous earls of Crawford: SR0, GD 150, no. 102; Rylands, Crawford, box B, no. 38.

14. NLS, Ch. 5848.

15. RMS, ii, no. 1038.

almost nothing to be said at all, let alone any further evidence of a connexion with the earl of Crawford. All were Angus lairds but none are known to have been Crawford tenants; the Grange and Invereighty were held of the crown,¹⁶ whilst Lour was probably held of the earl of Rothes until October 1464 and thereafter of the Guthries of that ilk.¹⁷ Durham, the only one of the three to witness the agreement, took sasine of the Grange in 1437 and had been succeeded by 1486,¹⁸ whilst Balbirnie appears to have died between 1483 and 1494.¹⁹ No record consulted has yielded any further reference to John Lour.

Rather more significant than the appearance and disappearance of a quantity of 'birds of passage' is the fact that a number of individuals of undoubted importance to the earl during the 1460s were apparently no longer within his orbit after the end of that decade. Master Nicholas Graham, notary public and vicar of Kirkpatrick, was with the earl on no fewer than six recorded occasions between January 1463/4 and September 1466²⁰ and was also named in English safe-conducts of 11 March 1465/6 and 28 November 1468 as one of those entitled to travel in the earl's company.²¹ The abrupt end to this fairly concentrated record of association with the earl suggests that he died at some time in the late 1460s. If Graham was the earl's secretary, his short-lived successor, described as the bearer of this office, would have been Master Andrew

16. ER, ix, 657, 770; RSS, i, no. 1986.

17. RMS, ii, no. 814.

18. ER, ix, 657; Arb. Lib., ii, 247.

19. HMC Rep. vii, App., 721; ER, x, 770.

20. See Tables Ia, II below, pp. 362, 267.

21. CDS, iv, no. 1366, 1382.

Lyle, who witnessed a single writ of the earl's given on 4 October 1468.²²

Inference of death is not required in the cases of three others. . . Master James Lindsay, chanter of Moray and a possible kinsman of the earl, died on 11 April 1468,²³ having been named in the English safe-conduct of March 1465/6²⁴ and witnessed four writs drawn up in the earl's presence between January 1464/5 and April 1467.²⁵ One of the writs shows that he was with the comital council at Affleck in March 1466/7, although ^{he} seems not to have been a councillor himself.²⁶ A rather better-known Master James Lindsay, laird of Covington and at the time of his association with the fifth earl of Crawford the keeper of the privy seal and provost of Lincluden, was dead by June 1469,²⁷ having been with the earl as a witness of writs dated in Edinburgh in February 1463/4 and at Hamilton Castle in October 1465.²⁸ An undoubted kinsman of the earl, he was also his keeper of Crawford Castle, bailie of Crawford-Lindsay and a tenant in the same lordship - all by gift of the fourth earl of Crawford.²⁹ This seems sufficient to distinguish Lindsay from other government figures who attested the earl's earlier writs, even though it is doubtful whether Master James's career was ever much oriented towards serving the earls of Crawford; his first patrons had been the seventh and eighth earls of Douglas³⁰ and he spent most of the 1460s in royal employ.³¹

22. See Table II below, p. 367.

23. Watt, Fasti, 224.

24. CDS, no. 1366.

25. See Tables Ia, II below, pp. 362, 367.

26. RMS, ii, no. 1038.

27. Macdougall, James III, 81, 86.

28. See Tables Ia, II below, pp. 362, 367.

29. NLS, Acc. 5474, bundle 58.

30. See above, p. 34.

31. Macdougall, James III, 52. He was, nevertheless, with the 4th earl of Crawford in June 1449, and it is possible, given the convenient hiatus in his bearing of royal office as keeper of the privy seal, that he lent assistance to the young fifth earl of Crawford during the later 1450s: RMS, ii, no. 1705.

Another of those named in the safe-conduct of March 1465/6 was David Hay of Naughton,³² who was one of three persons granted pensions by the fourth earl of Crawford to be paid out of his own annuity of 100 merks drawn upon the customs of Dundee. After the earl's death in September 1453 these pensioners were paid directly by the customars, and the sums are thus noted in their accounts. Hay drew a pension of twenty merks yearly, continuing to be paid directly until the Whitsunday term of 1467,³³ between which date and 3 July 1469 he died, leaving a minor heir. The pension was evidently heritable, for James Hay of Naughton took sasine thereof by the earl's precept on 14 March 1471/2.³⁴ No contact between this laird of Naughton and Crawford seems to be recorded.

It is probably reasonable to suppose that Patrick Gardyne of that ilk — one of Crawford's councillors in March 1466/7³⁵ and known to have accompanied the earl on one further occasion in September 1465³⁶ — and Gavin Graham — a witness of charters given at Meigle in August 1467 and in Edinburgh in November 1468³⁷ — were genuine parttakers of the earl, although it is difficult to say why their connexion with him should have spanned such brief periods. Gardyne, an Angus laird who held Gardyne in chief of the crown,³⁸ was evidently still alive in 1468,³⁹ and may not have died until more than ten years later.⁴⁰

32. CDS, iv, no. 1366.

33. ER, vi, 17, 126, 294, 388, 489, 587; vii, 140, 215, 287, 369, 427, 499.

34. Calendar of Charters and Other Deeds belonging to the Earl of Erroll (photostat copy held by NRAS), no. 87.

35. RMS, ii, no. 1038.

36. See Table II below, p. 367.

37. See Table Ia below, p. 362.

38. ER, vi, 179.

39. Arb. Lib., ii, 158.

40. RMS, ii, no. 1377; ADC, 106.

Notwithstanding this evidence of instability, it transpires that earl David's affinity was not in a wholly fluid state around 1470. There were, in particular, six Angus lairds - or, more correctly, four lairds and the heirs to two of them - who were inherited as parttakers by the earl, and whose connexion with him can in all cases be traced into the 1480s. Four of these men - Thomas Ogilvy of Clova, David Fotheringham of Powrie and Thomas, his son and heir, and Philip Lindsay of the Haugh - formed half of the earl's council as listed in March 1466/7⁴¹ and can be treated as the core of Crawford's non-clerical affinity during at least the first two decades of his adult life. The other two Angus lairds - Master David Guthrie of that ilk and his son and heir Sir Alexander - were of importance to the earl respectively during the first and third decades of his adult life. With the addition of the earl's brother Sir Alexander Lindsay of Auchtermoonzie - who, though not an inherited parttaker was in some degree ready-made, and is found in the earl's company chiefly during the 1470s and 1480s - the essential lairdly elements of Crawford's affinity have been summed up.⁴²

Thomas Ogilvy of Clova is said to have sided with the Lindsays against his own surname at the battle of Arbroath in 1445/6, as a result being rewarded with the lands whereby he was styled.⁴³ Be that as it may, a plain 'Thomas Ogilvy' was with David (II), third earl of Crawford in 1442,⁴⁴ Clova was certainly

41. RMS, ii, no. 1038.

42. Rylands, Crawford, box B, no. 77, shows service on the earl's council by sir Alexander Guthrie and the earl's brother in 1491.

43. Lindsay, Lives of the Lindsays, i, 131.

44. SRO, GD 150, no. 102.

a Crawford lordship⁴⁵ and Ogilvy was styled 'of Clova' from at least 1451,⁴⁶ though it is clear that at no stage was he in possession of the whole barony. Parts of Clova were granted by the second earl of Crawford to Sir John Ramsay of Carnock in 1421⁴⁷ and remained with his family until 1470, when an heiress, Janet Ramsay, spouse of one David Lindsay, resigned them to the fifth earl.⁴⁸ The following year the earl granted these lands to Ogilvy,⁴⁹ but there remained parts of the barony held by Lindsay of Lethnot,⁵⁰ and probably other parts retained as the earl's property.⁵¹ Ogilvy's tenancy within the Crawford inheritance was extended on 20 April 1453 when the fourth earl granted him, for his homage and service and in conjunct infeftment with his spouse Elizabeth Douglas, the lands of Balloch and Pitnacree in the barony of Alyth.⁵² Thereafter Ogilvy is found named in the English safe-conduct of 11 March 1465/6⁵³ granted to the fifth earl and between 1466 and 1478 as a witness of eight of the earl's charters - and three other writs drawn up in his presence - mostly at locations in Angus, but at least once in Edinburgh.⁵⁴ He is also known to have been appointed bailie by the earl to give sasine on four occasions.⁵⁵ On 11 August 1468 Ogilvy's 'counsel, aid and good offices' were recognized when earl David feued to him the whole town of Alyth for forty merks yearly.⁵⁶ The feu-charter terms Ogilvy the earl's kinsman,

45. SRO, GD 121/3, bundle 2.

46. Spalding Misc., iv, 4.

47. SRO, GD 16/2, no. 1.

48. NRA, Survey, no. 145.

49. Ibid.

50. SRO, GD 16/13, no. 5; RMS, ii, no. 1420.

51. See below, pp. 320, 325.

52. Ibid., no. 769.

53. CDS, iv, no. 1366.

54. See Tables Ia and b, II below, pp.

55. NLS, Ch. 5848; SRO, GD 16/13, no. 6; GD 121/3, bundle 16; Rylands, Crawford, box E.

56. SRO, GD 16/12, nos. 5 and 6 (two slightly different copies); RMS, iii, no. 693.

probably because his first cousin, Marjory, was the earl's grandmother.⁵⁷

Ogilvy's last known contact with the earl comes with a charter of 6 July 1482, whereby he was confirmed in his lands of Clova 'for his service and great labours'.⁵⁸ By this date Ogilvy was probably advanced in years, and may well have been too infirm to attend the earl with any regularity. He was dead by 23 August 1490, when his grandson Thomas was seized in the Alyth lands,⁵⁹ his son and apparent heir Alexander being presumed to have predeceased him.⁶⁰ Aside from the lands in Clova and Alyth, Ogilvy held lands in the barony of Cortachy from 1473 and the lands of Inshewan from 1484 - both of the king.⁶¹

David Fotheringham of Powrie, though taking his lairdly style from lands held of the Ogilvies of that ilk,⁶² seems to have enjoyed a lengthy association with the earls of Crawford. He is probably to be identified with the David Fotheringham, squire, who witnessed a charter of Alexander (I), the second earl, in Dundee on 24 August 1438.⁶³ Given that the son and apparent heir of the laird of Powrie was of sufficient age to take part in the perambulation of Auchterlownie in 1465, this would not seem impossible.⁶⁴ This, however, is of small importance. It was clearly the councillor of March 1466/7 who was granted Wester Brighty by Alexander (II), fourth earl of Crawford, for his 'homage and service' on 15 January 1449/50,⁶⁵ and who reciprocated on the same day with a parchment of considerable

57. SP, i, 109-11 and iii, 18; Lindsay, Lives of the Lindsays, i, 133n.

58. RMS, ii, no. 1522; NRA, Survey no. 145.

59. SRO, GD 16/12, no. 11.

60. Alexander Ogilvy was alive on 14 May 1482; Laing Chrs., no. 379(3).

61. RMS, ii, nos. 1123, 1551, 1601.

62. SRO, GD 121/3, bundle 47. Powrie or Pourie is Nat. Grid ref. NO 421346.

63. RMS, ii, no. 768.

64. Arb. Lib., ii, 146. David Fotheringham's apparent predecessor, Thomas, was alive on 20 February 1434/5: RMS, ii, no. 1550.

65. Ibid., no. 393. Middle Brighty is Nat. Grid ref. NO 444388.

significance for both his own heir and his lord's. This writ, a late example of a bond of retinue, committed Fotheringham's son and heir 'quhasumevir he be' to be man 'in speciale retinew and duelling' to the son and heir of the earl of Crawford. It is doubtful whether many bonds exist, whether of retinue or manrent, whose successful operation is so comprehensively attested.⁶⁶

David Fotheringham's own period of association with the fifth earl was not great; he witnessed three of Crawford's charters in 1466 and 1467 — two in Dundee and the other at Arbroath — as well as the writ issued following the deliberations of the comital council in March 1466/7.⁶⁷ He was dead by 21 May 1468, when his son Thomas was retoured as his heir.⁶⁸ By this time Thomas had already begun his career in the earl's service; he was, most likely, the Thomas Fotheringham who witnessed a charter of the earl's given in Edinburgh on 22 January 1463/4, and he was certainly with the earl at the perambulation of Auchterlownie in September 1465⁶⁹ and when serving as a councillor at Affleck in March 1466/7.⁷⁰ He is subsequently found as a witness of twenty of the earl's charters, of which ten were certainly dated in Edinburgh, six in Dundee and two at Brechin. The last of the twenty was given on 6 March 1489/90.⁷¹ He witnessed a further six writs issued in the presence of the earl,⁷² twice acted as his procurator before

66. SR0, GD 121/2/3, bundle 4.

67. See Tables Ia, II below, pp. 362, 367.

68. SR0, GD 121/3, bundle 26.

69. See Tables Ia, II, below, pp. 362, 367.

70. RMS, ii, no. 1038.

71. See Tables Ia and b below, pp. 362-3.

72. See Table II below, p. 367.

the lords of council,⁷³ was appointed the earl's bailie to give sasine on occasions in 1468, 1472 and 1475,⁷⁴ and also conveyed a charter to the exchequer audit of 1487 on the earl's behalf in order to show that a payment of ten marks yearly should be made out of the burgh farms of Forfar to support a chaplain at the earl's chapel of Finavon.⁷⁵ He died between 14 July and 30 October 1490.⁷⁶

All this seems a fair reflexion of lengthy and loyal service, and the impression is reinforced by the prefatory remarks to be found in three writs whereby the earl conveyed lands to Fotheringham - and, indeed, by the conveyances themselves. Letters of 4 October 1468 conferring various pieces of land in Angus upon Fotheringham saw the earl refer to him as his 'lovit famyliare squyare' and, more interestingly, mention his service done or to be done 'till us in oure passage to the court of Rome'.⁷⁷ Reference to the 'faithful service and gratuitous and continuous labours freely given by the same Thomas to the said earl from his youth and for a long time past' is made in a charter of 16 July 1481. By this writ the earl confirmed to his 'kinsman and familiar squire' the lands of Wester Brighty and gave in addition the lands of Happas in the barony of Inverarity.⁷⁸ Another charter, of 9 July 1486, conveyed to the earl's 'servant' half of the lands of Muirhouse in the same barony in blench ferm.⁷⁹ The apparent basis for

73. ADC, 18, 79.

74. SRO, GD 16/13, nos. 6 & 7; Kirkbuddo Inventory, 13, no. 2; Rylands, Crawford, box E.

75. ER, ix, 554.

76. ER, x, 215; SRO, GD 121/3, bundle 27.

77. Ibid., bundle 4.

78. RMS, ii, no. 1497. N., S., E., & W. Happas lie in Nat. Grid ref. sqq. NO 44/41, 44/40.

79. RMS, iii, no. 1489. Muirhouse may now be represented at Nat. Grid. ref. NO 392566 or 440362, neither of which is within the modern parish of Inverarity.

Fotheringham's kinship to the earl is the marriage between the laird's daughter Katherine and Sir David Lindsay of Beaufort, Crawford's first cousin.⁸⁰

Philip Lindsay of the Haugh is known to have witnessed a total of eight writs issued by or in the presence of the first earl of Crawford between 1465 and 1474,⁸¹ and appears to have been the earl's cautioner for various tacks of the lordship of Brechin in 1480 and 1484.⁸² He was probably one of the bailies appointed by the earl to infeft Ogilvy of Clova in 1468.⁸³ The instrument upon the perambulation of Auchterlownie in September 1465 describes Lindsay as constable of Finavon⁸⁴ and probably explains thereby why Lindsay seems to have accompanied the earl in Edinburgh on only one occasion. This was an hereditary office, statements to this effect by two nineteenth-century writers being borne out by evidence from 1532.⁸⁵ The same two writers seem, however, to be wide of the mark in both expanding the name of his chief messuage to 'the Haugh of Tannadice' and offering the alternative 'Barnyards'. The Barnyards were indeed part of the Haugh of Tannadice, but they pertained to the regality of St Andrews,⁸⁶ and it is clear that in 1494 at least the Lindsays of the Haugh did not even hold the lands in tack, let alone in freehold. On 18 June of that year Philip's successor Alexander and the latter's brother John were found to be wrongfully occupying the Barnyards, which had been set in tack to one John Shivas of Dempstertoun by the archbishop of

80. Haigh Inventory, ii, 9, 18.

81. See Tables Ia and b, II below, pp. 362-3, 367.

82. ER, ix, 576; Brech. Reg., ii, 425-7.

83. SRO, GD 16/12, no. 7. One of the bailies to whom the earl's precept was directed was a Philip Lindsay whose locational style is now illegible. This same Philip Lindsay did not in the event give sasine: ibid., no. 8.

84. Arb. Lib., ii, 146.

85. Jervise, Land of the Lindsays, 208; Warden, Angus or Forfarshire, v, 186; RSS, ii, no. 1234.

86. Retours, i, Forfar, no. 325.

St Andrews.⁸⁷ The Haugh as a whole lay not merely in Tannadice but bestrode the South Esk, with part in the Forest of Plater and part in the barony of Finavon -- both Crawford lordships.⁸⁸ It is clear that the Lindsays of the Haugh held the Haugh 'in Finavon',⁸⁹ and although there is a confusing indication that the Haugh of Finavon lay in Plater (with the possible alias of 'Dathlaw'),⁹⁰ this is probably to be taken literally. At any rate it is plain that Philip Lindsay was a tenant of the earl of Crawford in the Haugh, and in addition it is likely that he held lands within the Crawford lordship of Glenesk.⁹¹ There is no mention at this time of kinship, however distant, between Lindsay of the Haugh and Crawford, though it would seem highly likely.⁹²

Crawford was certainly related to the Guthries of that ilk, though precisely how is not readily apparent; the evidence comes from unspecific references to Master David Guthrie of that ilk and his son Alexander as the earl's kinsmen.⁹³ Nevertheless, the ties between the families were undoubtedly of some strength.

Strictly speaking, Master David Guthrie, like Master James Lindsay, provost of Lincluden, was more a servant of the crown than of the earl of Crawford. His career in government was both lengthy and varied, lasting from 1461 until his death in

87. ADC, 328.

88. Retours, i, Forfar, nos. 20, 49, 230; RMS, ii, no. 1191.

89. RSS, ii, no. 1234.

90. Retours, i, Forfar, nos. 20, 230. Barnyards, Tannadice and Dathlaw are Nat Grid ref. NO 478577, 475581 and 475563.

91. A gift of lands in Glenesk was made by the third earl of Crawford to a Philip Lindsay on 6 September 1442: Rylands, Crawford, box B, no. 40. The family certainly held lands in Glenesk in 1532: RSS, ii, no. 1234.

92. The Philip Lindsay of 1442 was described by the earl as his 'beloved kinsman and squire': Rylands, Crawford, box B, no. 40.

93. RMS, ii, nos. 1078, 1795, 1940.

the summer of 1474,⁹⁴ and taking in the offices of treasurer, clerk register, comptroller and captain of the guard, service as one of the lords of the articles and membership of the royal council.⁹⁵ On the other hand, Crawford being himself one of the principal royal servants of the reign of James III, spent sufficient time at court to retain contact with Guthrie. Moreover, it is entirely possible that Guthrie's career owed something to Crawford's assistance.

Guthrie was active in Angus during the mid and late 1450s, serving as sheriff of Forfar⁹⁶ and chamberlain of the bishopric of Brechin,⁹⁷ and acquiring the lands and style of Kincaldrum at some time between December 1455 and November 1457⁹⁸ - inherited, it can be presumed, from Master Alexander Guthrie of Kincaldrum, who was alive in 1450,⁹⁹ and who was probably an associate of David Lindsay (II), third earl of Crawford.¹⁰⁰ Guthrie witnessed four of the fifth earl's charters - between 1466 and 1470 - two in Dundee, one at Arbroath and one in Edinburgh.¹⁰¹ He was also named in the English safe-conduct of 28 November 1468 as one of those permitted to travel through England to France with the earl.¹⁰² In March 1465 he acquired the barony of Guthrie from Crawford, though not in a manner which left the earl as lord superior, for the transfer was achieved through substitution.¹⁰³

94. The precept for his son's sasine of Guthrie was issued on 8 Aug. 1474: SR0, GD 188/1/1, no. 7. Master David, by then knighted, was still alive on 7 July 1474: ER, viii, 225.

95. Macdougall, James III, 100.

96. Arb. Lib., ii, 97.

97. Brech. Req., i, 189.

98. Arb. Lib., ii, 88, 93.

99. RMS, ii, no. 494.

100. Ibid., no. 768.

101. See Table Ia below, p. 362.

102. CDS, iv, no. 1382.

103. The earl resigned Guthrie at Doune Castle on 22 March 1464/5 and the king granted the barony to Guthrie three days later: SR0, GD 188/1/3, no. 1: 188/1/1, no. 4.

When at length Guthrie did become a tenant of the earl it was not on a grand scale: on 2 September 1472 Crawford granted him 'for his faithful service' the patronage of the kirk of Kirkbuddo along with six acres next to the kirk and pasturage for six cows.¹⁰⁴

Sir Alexander Guthrie of that ilk, who took sasine of Guthrie in succession to his father on 23 August 1474,¹⁰⁵ is a more clear-cut example of a magnatial parttaker. Though receiving neither gifts nor bonds from the earl of Crawford he witnessed six of his charters between 1486 and 1490 - three in Edinburgh, two in Dundee and one at Brechin¹⁰⁶ - and accompanied the then duke at the burgh court of Montrose on 10 October 1490.¹⁰⁷ He is named as a member of the earl's council on 8 July 1491,¹⁰⁸ and his record of service hints that he had enjoyed this status for some years beforehand. His seeming absence from the earl's company prior to this four-year period may partly be explained by his tenure of office north of the Tay at a time when the earl was often based in Edinburgh; he was the king's bailie of the thanage of Kincardine in succession to his father from 1474 until 1480,¹⁰⁹ and, more significantly, the earl of Crawford's depute as sheriff of Forfar during a period which spanned at least the years 1478-1483.¹¹⁰ Crawford's power of patronage may here have been exercised indirectly, through the promotion of his candidate for a royal bailiary, as well as directly through the appointment of his own sheriff-depute. It

104. RMS, ii, no. 1078.

105. SRO, GD 188/1/1, no. 7.

106. See Table Ib below, p. 363.

107. Brech. Reg., ii, 136.

108. Rylands, Crawford, box 8, no. 77.

109. ER, viii, 276, 357, 424, 516, 591; ix, 11. His father held the office for the last two or three years of his life: ER, viii, 185, 225.

110. ADC, 7, 11, 38; ADA, 95, 100, 114*. The earl of Crawford was sheriff of Forfar 1466-88: RMS, ii, no. 886; Lindsay, Lives of the Lindsays, i, 456-7.

may even have extended later to helping Guthrie to avoid the consequences of his lack of integrity in carrying out the duties of office. Monies improperly appropriated by Guthrie as sheriff-depute of Forfar may have been recovered by distraint,¹¹¹ but he seems to have escaped paying off accumulated arrears from his time as bailie of Kincardine until 1501.¹¹² If he was indeed guilty of packing a jury of inquest with men of 'consanguinite and affinite' to Thomas Fotheringham of Powrie, as was alleged in October 1479,¹¹³ it is difficult to believe that the earl wholly disapproved of his action. Guthrie relinquished both offices, but neither Crawford's authority north of the Tay nor his ability to shield him were much diminished. Fotheringham of Powrie took over as bailie of Kincardine in 1483,¹¹⁴ and he contrived to delay until the exchequer audit of July 1487 before declaring that the lack of any lands or goods belonging to Guthrie within his bailiary made distraint therein for his arrears impossible.¹¹⁵ Whilst this necessitated the sending of letters to the sheriff of Forfar to see whether he could do any better, Fotheringham would have known perfectly well that the sheriff was his and Guthrie's mutual lord, and he probably judged that the chances of successful distraint were small. Bearing Guthrie's case in mind, the earl's resentment at having to resign the office of sheriff of Forfar in 1488 is readily understood.¹¹⁶

111. ADA, 95, 100, 114*.

112. ER, ix, 131-2, 175, 274-5, 316-17, 397, 480-1; x, 111-12, 215-16, 289-90, 338-9, 413-14, 497-8, 547-8; xi, 3-4, 170, 283-4.

113. ADC, 38.

114. ER, ix, 274.

115. Ibid., 480.

116. Lindsay, Lives of the Lindsays, i, 456-7.

Sir Alexander Lindsay of Auchtermoonzie, the earl's brother, who was to become the seventh earl of Crawford after the death of his younger nephew John at Flodden,¹¹⁷ was named among the members of the comital council to be convened following a writ of 8 July 1491.¹¹⁸ Prior to this he was a witness to six of the earl's charters between 1469/70 and 1489 - three in Edinburgh and three in Dundee.¹¹⁹ He also acted as procurator for his brother before the lords of council in a case against the late master of Crawford's widow on 8 March 1491/2 and 4 February 1492/3,¹²⁰ and was appointed procurator on 1 November 1488 to resign the office of sheriff of Forfar on the earl's behalf.¹²¹ Evidence of his good offices goes no further, but the glowing terms of a charter which he received from his brother on 6 March 1489/90 suggest more than has survived on record; the gift was for 'his services ... and his manifold costs and expenses on the said duke's behalf in the king's service, (and) for keeping the honour of the said duke...'.¹²² It is possible that this refers to services rendered at, or during the weeks leading up to the battle of Sauchieburn in June 1488 - Lindsay certainly witnessed the 'nine Aberdeen articles' as one of James III's commissioners in negotiations with the king's opponents in May 1488.¹²³

This charter conveyed to Sir Alexander the whole baronies of Fern and Inverarity, albeit reserving free tenement to Crawford. Excluded from this condition were certain portions of Fern already

117. SP, iii, 24.

118. Rylands, Crawford, box B, no. 77.

119. See Tables Ia and b. below, pp. 362-3.

120. ADC, 227, 271.

121. Rylands, Crawford, box B, no. 69.

122. RMS, ii, no. 1938.

123. Macdougall, James III, 248.

granted to Sir Alexander in blench ferm by charters of 22 June 1486 and 31 July 1487, with the earlier of the two referring to 'brotherly love' and 'service' as having prompted the gift.¹²⁴ The lands of Auchtermoonzie in Fife were, for their part, not held of the earl, although they were resigned by Crawford in favour of his brother¹²⁵ - apparently before 9 March 1469/70, on which date an unknighthed Alexander Lindsay first appears as 'of Auchtermoonzie'.¹²⁶ Margaret Dunbar, dowager countess of Crawford and mother of David and Alexander Lindsay, had brought the lands, which lay in the regality of St Andrews, into the Crawford patrimony as heiress to Sir David Dunbar of Cockburn.¹²⁷

The gifts which Crawford bestowed upon his brother were, however, not a matter simply of tangible reward for tangible service. Sir Alexander's value to his brother seems in part to have been of a financial nature, for the laird of Auchtermoonzie evidently had access, for reasons which are not obvious, to considerable quantities of cash. Behind the charter of 31 July 1487 was Sir Alexander's redemption on his brother's behalf of the lands of Dunbog in Fife, held under reversion by Alexander Inglis of Tarvit. It appears that Dunbog, together with Countryhills, both being in the barony of Ballinbreich, were redeemable from wadset for a total of £570 13s 4d.¹²⁸ The 'gift' of Fern and Inverarity, in spite of the services mentioned, was in fact a sale for an unspecified sum.¹²⁹ Sir Alexander's resources were also put to use in an attempt to resolve a dispute between

124. RMS, ii, nos. 1691, 1938.

125. Haigh Inventory, i, 91-2.

126. Rylands, Crawford, box E.

127. Haigh Inventory, i, 91-2; Dunlop, Kennedy, 144.

128. RMS, ii, no. 1691; ADC, 102*.

129. RMS, ii, no. 1938.

James III on the one part and the earl of Angus and Thomas Fotheringham of Powrie on the other concerning the lands of Balmuir in Angus.¹³⁰ An indenture between Lindsay and Fotheringham shows that Sir Alexander was prepared to pay out a total in excess of £380 to the king and the earl of Angus in order to obtain Balmuir and then offer the lands to Fotheringham at something of a discount.¹³¹

The degree of stability in the outer reaches of Crawford's affinity is rather more difficult to judge. There were certainly some persons whose more intermittent association with the earl of Crawford spanned many years, but the evidence for most of the earl's 'outer circle' of parttakers - excepting those whose ties can be dated from a bond of manrent or from one of the earl's two marriages - is rather too restricted to admit a complete distinction between men having ties with the earl from the early years of his adult life and men whom the earl drew into his affinity later on.

Of those who give the impression of a long-term connexion with the earl the highest-ranking are the first and second Lords Innermeath - Walter Stewart and his son and heir Thomas.¹³² Walter, the husband, auspiciously, of one Margaret Lindsay,¹³³ was with the earl as a witness of two charters given in Edinburgh in November 1468 and March 1470/1¹³⁴ and was serving as the earl's sheriff-depute of Forfar in 1478,¹³⁵ no doubt preceding Sir Alexander Guthrie of

130. Macdougall, James III, 200.

131. SRO, GD 121/3, bundle 19. The indenture failed to bring the matter immediately to a successful conclusion: ADC, 119, 350; ADA, 150, 189-90.

132. SP, v, 4.

133. RMS, ii, no. 1481.

134. See Tables Ia and b below, pp. 362-3.

135. ADA, 64.

that ilk in the office. The credibility of Thomas, Lord Innermeath, as an ally of the earl of Crawford is enhanced by the fact that he shared the earl's political alignment, for he is known to have supported James III during the crisis of 1488.¹³⁶ This and his father's service to the earl seems sufficient to distinguish him, along with the lairds of Auchtermoonzie and Guthrie, as one of the genuine adherents of the earl named to serve on the comital council in 1491.¹³⁷

Another who is fairly convincing as a long-term adherent of the earl is John Dempster of Auchterless, who, in doing homage to the bishop of Brechin on 4 May 1468, specifically excluded not only his allegiance to the king but also his service to the earl of Crawford.¹³⁸ Precisely why he owed service to the earl is unclear; he seems neither to have given Crawford a bond nor to have held land of him in fee and heritage, although he did apparently hold Gleneffock in the earl's lordship of Glenesk in tack.¹³⁹ His connexion with the earl seems, nevertheless, to have been real enough: he witnessed charters given by Crawford in Dundee in March 1469/70 and at Brechin in April 1472,¹⁴⁰ and acted as the earl's procurator before the lords' auditors on 17 May 1491.¹⁴¹ Whether or not Crawford had a hand in securing for Dempster the chamberlainry of the royal lordship of Brechin and Navar, it seems likely that the appointment of the laird of Auchterless to the office in 1470 was of some eventual benefit to the earl.¹⁴²

Crawford held the lordship of Brechin and Navar by gift of James III

136. Macdougall, James III, 247, 252, 256; TA, i, 92.

137. Rylands, Crawford, box B, no. 77.

138. Brech. Req., ii, 110.

139. ADA, 175, 180. Gleneffock is Nat. Grid ref. NO 454787.

140. See Tables Ia and b below, pp. 362-3.

141. ADA, 154.

142. ER, viii, 74.

from 1473 until 1477, and it seems highly likely that Dempster, who reappears as royal chamberlain in the latter year, would have been kept in office by the earl during this five-year period.¹⁴³ More than this, it appears that Crawford persisted in raising mails of the lordship for some years after his infeftment had been revoked, and Dempster proved unable - or perhaps unwilling - to recover these issues.¹⁴⁴ Contact between members of an affinity is exemplified by an exchange of lands between the laird of Auchterless and the first Lord Innermeath on 27 March 1478, with Dempster's charter of excambium being witnessed by Thomas Fotheringham of Powrie and three others who can be shown to have had links, albeit tenuous, with the earl of Crawford.¹⁴⁵

Of any connexion between Henry Ramsay of Newtibber and the earl there is nothing to be said other than that he witnessed a Crawford charter given at Arbroath in September 1466 and lent his assistance along with a body of more clear-cut parttakers of the earl at an examination of the boundaries of Camustane undertaken for the benefit of Sir Thomas Maule of Panmure in November 1481.¹⁴⁶ The laird of Panmure might himself be taken as the earl's man, for he was Crawford's tenant in the lands of Camustane in the barony of Downie¹⁴⁷ and witnessed a resignation in the earl's hands at the latter's 'great house' in Dundee in January 1464/5.¹⁴⁸ The perambulation of Camustane might be construed as an expression of paternal concern on the earl's part, if not merely an example of

143. RMS, ii, no. 1111; ER, vii, p. lxxv; viii, 440.

144. Ibid., 440, 484, 617; ix, 56, 132, 173; ADA, 123.

145. RMS, ii, no. 1377. The others were Patrick Gardyne of that ilk, James Rhind of Broxmouth and Master William Meldrum, vicar, and later bishop of Brechin: see Table II below, p. 367; Rylands, Crawford, box B, no. 77. The exchange was not, however, entirely successful: ADA, 69-70.

146. See Table II below, p. 367. Newtibber is now Newbigging in Newtyle parish.

147. Panm. Req., ii, 251-2.

148. See Table II below, p. 367.

a superior carrying out his lawful responsibilities. On the other hand, it is noteworthy that two more certain adherents of the earl - Walter, Lord Innermeath, and Sir Alexander Guthrie of that ilk - appear to have connived at the wrongful service of a bribe of prodigality upon the laird of Panmure, and that Sir Thomas sought remedy not from Crawford's justice, but from the king's.¹⁴⁹

The names of some long-standing members of the 'outer circle' of the earl's affinity may have been overlooked, but it would be unreasonable to attempt further to wring out the available evidence of service and attendance. The rest of the earl's wider affinity has to be treated as having been built around those stable elements which already existed in the mid-1460s. Superficially the most promising evidence for the extension of the earl's affinity comes with the four bonds of manrent which the earl is known to have received. However, the bonds turn out to be less than satisfactory on two counts: all were given by the earl's kinemen, and ought therefore to have been unnecessary, and all were given for tangible considerations. The motives behind the bonds can thus be called into question; something other than the prospect of mutual service might well have inspired them, and it does transpire that evidence for the bonds' creation of successful lord-man relationships is extremely meagre.

Of three bonds concerning Angus lairds the earliest is that given by the man for whose benefit the comital council was assembled

149. ADA, 64.

in 1466/7: John Affleck of that ilk.¹⁵⁰ His bond is lost, but the renewal of the bounds of Affleck was done taking into account 'his service and manrent made and to be made til us for all the dais of his life'. Given that the same document states specifically that Affleck was not held of the earl of Crawford, but of the king, it is clear that Affleck's manrent cannot be confused with homage. Some form of written bond seems, therefore, extremely likely, even though it could be considered limited in its aims. There is a strong hint of earlier acrimony between the contracting parties, for both Affleck and his father are said to have suffered because of the delay in demarking the bounds - *their renewal had originally been promised by the third earl* - and besides, earl David undertook not to trouble Affleck in his possession of the lands, nor to claim superiority. On the other hand Affleck is called the earl's 'lovit cousing and squiere' (though the basis for kinship is unknown) and it has been alleged that the Afflecks of that ilk were hereditary armour-bearers to the earls of Crawford.¹⁵¹

There is only scanty further material available for Affleck's biography, and what there is does little to emphasize a connexion with the earl of Crawford. He was retoured heir to his father in Affleck on 1 February 1453/4¹⁵² and took sasine of another possession - Gella in the barony of Cortachy,¹⁵³ which from 1473 he held of Ogilvy of Clova¹⁵⁴ - around the same time. Along with his son and apparent heir he was nominated as an ad hoc bailie by

150. RMS, ii, no. 1038. Affleck is Nat. Grid ref. NO 494388.

151. Jervise, Land of the Lindsays, 207.

152. RMS, ii, no. 1038.

153. ER, vi, 181; RMS, ii, no. 598. Gella is Nat. Grid ref. NO 375656.

154. SRO, GD 16/13, no. 8.

the earl on 16 July 1481¹⁵⁵ and he was one of those who gave their advice in the agreement between Crawford and Thomas Maule of Panmure on 25 November 1481.¹⁵⁶ This represents the sum total of his known service. He had been succeeded by 30 October 1490, when his son Hugh is found as laird of Affleck.¹⁵⁷

Of the two bonds for which there is more positive evidence the earlier was made by John Carnegie of Kinnaird on 4 November 1480. This bond too is lost, but can safely be assumed from a bond of maintenance¹⁵⁸ and a charter for 'service and manrent',¹⁵⁹ both issued to Carnegie at Brechin on 4 November 1480 by the earl of Crawford. The gift was of the lands of Tillybardine in the lordship of Glenesk,¹⁶⁰ and was to last only during the earl's lifetime - it was thus tailored to the personal relationship implied in an exchange of bonds. Carnegie is called 'richt uel belufit cusing' by the earl, but the nature of the relationship is unknown.¹⁶¹ The bond is of interest in that it seems to indicate an attempt by the earl of Crawford to improve relations with the Carnegies of Kinnaird. In 1452 John Carnegie's father Walter had sided with the earl of Huntly against the fourth earl of Crawford, in spite of the apparent kinship between the families, and the latter's response was to burn Kinnaird Castle.¹⁶² Any reconciliation between the families may have been difficult until both protagonists were dead, and though Alexander Lindsay died

155. SR0, GD 121/3, bundle 27.

156. See Table II below, p. 367.

157. SR0, GD 121/3, bundle 27.

158. Fraser, Southesk, ii, 251.

159. Ibid.; HMC Rep. vii, App., 720.

160. 'Tulyberin' is taken to be Tillybardine - Nat. Grid ref. NO 489731.

161. A plausible suggestion that it was because Walter, father of John Carnegie, married a Lindsay has been offered: Fraser, Southesk, i, 19, 21.

162. HMC Rep. vii, App., 720; Fraser, Southesk, i, 18.

in 1453, Walter Carnegie was not succeeded until May 1479, when John took sasine of his inheritance.¹⁶³ Thus would the timing of the bond seem appropriate. Nevertheless, the success of the bond is impossible to judge; Crawford and Carnegie are not otherwise unequivocally recorded as having been in the same place at the same time. Crawford was among the auditors sitting in judgement on 3 March 1478/9 upon a case of spuilzie involving a John Carnegie, but the verdict was not favourable.¹⁶⁴ This was, of course, before both the bond and Carnegie's succeeding to Kinnaird, but it is worth noting that Carnegie's accomplice was John Dempster of Auchterless.

Third of the known bond-makers is Sir David Lindsay of Beaufort. He too was a kinsman of the earl, but in this case the relationship is clear: the two men were first cousins. Indeed David's father, Walter Lindsay of Kinblethmont was not merely uncle to earl David but also tutor during his minority.¹⁶⁵ The absence of their names from the witness lists of Crawford charters suggests that neither Walter nor his son spent much time in the earl's company. Nonetheless, the ties between the two branches of the Lindsay family are difficult to ignore.

Walter Lindsay, who was styled 'of Beaufort' following his acquisition in 1458 of part of Beaufort and the Aird in the sheriffdom of Inverness from a co-heiress of the line of Fenton of Beaufort,¹⁶⁶ received a string of charters from his nephew between 1465 and 1471. Through these charters, in which the earl referred to the service

163. HMC Rep. vii, App., 720.

164. ADA, 68.

165. Haigh Inventory, ii, 3.

166. Ibid.; RMS, ii, no. 645.

'rendered and to be rendered' by his 'beloved uncle', Walter Lindsay gained possession of the lordship of Strathnairn and fractions of the lands and mill of Inveriscandye and all of the lands of Edzell and Knokhoy, all in the lordship of Glenesk.¹⁶⁷ From an unknown date he also held the davoch of Cairncross within the same lordship,¹⁶⁸ and in January 1469/70 he inherited Leckaway in the Crawford barony of Fern from his late brother William.¹⁶⁹ His status as laird of Kinblethmont is less clear; the barony, though not included in the Crawford entail of 1421¹⁷⁰ had evidently been incorporated into the inheritance by 1470.¹⁷¹

Walter Lindsay was dead by 1 September 1475, on which date his son and heir Sir David was granted the whole barony of Fern by the earl of Crawford in security for the lands of Strathnairn in the sheriffdom of Inverness, in case he were unable to enjoy the latter.¹⁷² Later that year he was confirmed as heir in his father's Glenesk properties.¹⁷³ As Sir David Lindsay of Beaufort - a style he adopted more than thirteen years before being retoured heir to his father's northern possessions¹⁷⁴ - he seems to have been helped by the earl in May 1482 to secure under reversion a further portion of the mill and lands of Inveriscandye.¹⁷⁵

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167. See key to Table 1a, p. 364. Inveriscandye is Nat. grid ref. NO 621671. Knokhoy appears to be lost.
168. Rylands, Crawford, box E (David Lindsay of Beaufort: 25 (recte 24), Sept. 1475).
169. Haigh Inventory, ii, 5. North Leckaway is Nat. grid ref. NO 430491.
170. Haigh Inventory, i, 24-25; SR0, GD 121/3, bundle 2.
171. RMS, ii, no. 3575.
172. Rylands, Crawford, box E. This proved unnecessary, for the earl was able to grant Fern to his brother in Mar. 1489/90: RMS, ii, no. 1938.
173. Rylands, Crawford, box E (David Lindsay of Beaufort: 25 Sept. 1475; 30 Oct. 1475).
174. He appears as 'of Beaufort' on 13 Mar. 1480/1 and was retoured heir to his father in 'the chief and principal quarter part of Beaufort' on 31 Oct. 1494: RMS, ii, no. 1469; Haigh Inventory, ii, 7.
175. Ibid., 9-10.

On 7 July 1484 the master of Crawford gave him a seven year tack of the lands of Balmyle in the barony of Meigle, to commence upon the earl's death,¹⁷⁶ and at length, on 9 May 1486 the earl gave his cousin a bond of maintenance.¹⁷⁷ In return for Lindsay's manrent the earl bound himself not only to 'mayntene suple and defend' his 'lovit cusing and man' but also, in an interesting broadening of the promise, his 'men and enheredence'. Beside his maintenance the earl was to give Sir David half of the lands of Pitpullox in the lordship of Brechin and 46s 8d of the mails of the other half. Lindsay duly took sasine of the same on the following day.¹⁷⁸

It could be argued that the earl's promise was fulfilled on at least one occasion, with his right-hand man Thomas Fotheringham of Powrie acting as forspeaker for Lindsay in a case before the lords auditors on 18 February 1489/90.¹⁷⁹ It is true that by this time Fotheringham was Sir David's father-in-law,¹⁸⁰ but, given some earlier wrangling over the marriage contract, his assistance before the auditors may have been in spite of their relationship rather than because of it.¹⁸¹ Fotheringham's defence of his son-in-law on what might nowadays be termed a technicality was, however, unavailing, coming after Lindsay's admission of guilt, and delivered with a degree of self-interested caution.¹⁸² If the earl had a hand in persuading Fotheringham to act for Sir David Lindsay it is the one instance of either maintenance or

176. Rylands, Crawford, box E. Balmyle is Nat. Grid-ref. NO 273447.

177. Rylands, Crawford, box E (David Lindsay of Beaufort).

178. Ibid. Pitpullox is Nat. Grid ref. NO 568608.

179. ADA, 141.

180. Haigh Inventory, ii, 9, 18. Fotheringham was assigned Sir David's marriage by Isabelle Livingston, widow of Walter Lindsay, on 5 Dec. 1475.

181. ADC, 76-77.

182. ADA, 139, 141.

manrent being put into practice. Indeed, it may be possible to go further and assemble enough circumstantial evidence to suggest actual imperfections in their relationship.

In the first place the kinship of the earl and his cousin was sufficiently close - probably a good deal closer than that between the earl and the lairds of Affleck and Kinnaird - to make the need for a bond seem doubtful. Secondly, it is possible that relations between earl David and his uncle had undergone some strain; those enjoying power during a minority seldom like to relinquish it, and while there is no suggestion that the earl prompted his sheriff-depute of Aberdeen, Alexander Irvine of Drum, to lead, on some occasion during the winter of 1471-2, sixty armed men on a midnight search for the house in which Walter Lindsay of Beaufort was sleeping, it is clear that he could not prevent it.¹⁸³ Anent Sir David Lindsay, there are no obvious answers as to why he received a bond some eleven years after his father's death, or why a further eight years passed before he was eventually retoured heir to his father in Beaufort.¹⁸⁴ This would certainly not indicate that the earl was at that time vigorously defending his cousin's inheritance, in contrast with his earlier efforts to extend both Walter's and Sir David's possessions. However, this particular discussion only gains substance when it is seen that the bond signally failed to ensure good relations among

183. ADA, 20. The earls of Crawford were hereditary sheriffs of Aberdeen: RMS, ii, nos. 1191, 3537. Walter Lindsay had held the office during the fifth earl's minority, and later became sheriff-depute, probably in succession to Irvine of Drum: HMC Rep. v, App., 630.

184. Haigh Inventory, ii, 7. The retour states that eighteen years had passed since his father's death - apparently a slight underestimate.

the Lindsays. Alexander, master of Crawford, who had shown signs of developing a personal relationship with Sir David,¹⁸⁵ had fallen into dispute with his father by February 1489/90,¹⁸⁶ and was later killed by John, his younger brother.¹⁸⁷ Thereafter began a feud between Sir David and the new master of Crawford which persisted long after the latter had succeeded to the earldom; as late as September 1511 an effort was being made to end their 'dedlie feid unkyndnes and dedlie inmite baith of ald and new'.¹⁸⁸

The remaining bond is the only one of the four for which there is no suspicion that an intention to settle differences was involved. This was the bond given to the earl by his kinsmen - of undefined relationship - John Lindsay of Covington and John his son and apparent heir. The bond seems to be lost, but letters of bailiary and captaincy were given by Crawford to the laird of Covington and his son on 26 July 1465 because they

ar becummyn men til us for al the dais of thaire
liffis before and againes al thaim that liff or
dee may thaire allegiance alanerly outetaken as is
mare planely contenit in thaire lettres of manrent
made to us thereapone. ¹⁸⁹

Their manrent is thus inseparable from the offices - of bailie of the barony of Crawford and captain of Crawford Castle - which they were to hold, along with a collection of lands in Crawford to be enjoyed mail-free as their fee during their lives. The Lindsays of Covington were natural choices as overseers of this, from the earl's point of view, somewhat remote barony; not only were they kinsmen who were based conveniently close to their charge,¹⁹⁰ but their appointment ensured continuity in the administration of the

185. See above, p. 98.

186. ADA, 143.

187. The master of Crawford died 29 July 1490 x 8 Mar. 1491/2: Haigh Inventory, i, 39; ADC, 227. The evidence for the murder may be suspect, for it dates from twenty years after the event: Rylands, Crawford, box B, no. 125.

188. RSS, i, no. 2307.

189. NLS, Acc. 5474, bundle 58.

190. Covington is some twelve miles north of Crawford.

lordship. The same letters of 26 July 1465 show that the fourth earl of Crawford had appointed conjunctly Master James Lindsay of Covington and John his brother and heir as bailies and captains of Crawford. The fifth earl's letters ensured that this appointment remained in force, whilst apparently making provision betimes for the demise of Master James, or else recognizing that John Lindsay, 'now of Colvantoun' in 1465, had become laird and that Master James's commitments as provost of Lincluden and keeper of the privy seal left little time for dealing with the barony of Crawford.

To this extent the Lindsays of Covington were inherited members of the earl's affinity, and remained part of the same for the rest of their lives. Nonetheless, circumstances where kinship and office were involved and where the senior bond-maker was already a holder of the office for which his manrent was given suggest that a bond of manrent ought to have been superfluous. The need for the earl's immediate journey from Edinburgh to Crawford Castle and his issue there on 29 July 1465 of letters which did no more than restate the appointment in a little more detail might also be wondered at.¹⁹¹ Even so, whether or not the bond of manrent is interpreted as representing an extension of the earl's affinity, there must be some doubt as to whether its terms can have remained wholly in force until the death of John Lindsay of Covington senior in 1494.¹⁹² Its initial success is not in question; there is evidence from 1468 showing that the laird of Covington was one of four attorneys

191. NLS, Acc. 5474, bundle 58.

192. NLS, Acc. 5976, box 6, bundle 55. John Lindsay younger appears to have predeceased his father.

given power to act on the earl's behalf in all manner of business,¹⁹³ and from 1474 showing the two bailies acting as such.¹⁹⁴ In 1481, however, John Lindsay gave the keeping of Crawford Castle, along with some of the land held as his fee, to John Carmichael of Meadowflat.¹⁹⁵ Whether Lindsay and his son remained bailies of Crawford is not certain, but it is clear that none of the remaining lands given as their fee remained in their hands in 1490.¹⁹⁶

It may thus be doubted whether all these bonds signify the existence of a successful lord-man relationship - or even whether something as positive as the creation of such a relationship was truly the guiding principle in every case. Of yet more dubious significance are most of the gifts known to have been made by the earl. Eight individuals can be identified - other than any already discussed hitherto and another, William Carmichael, discussed below in connexion with his daughter's marriage to the fifth earl¹⁹⁷ - who received from Crawford something tangible which was not theirs by patrimony: land alone in five cases, with land and a pension, land and office and a concession in terms of tenure accounting for the remaining three. Doubt arises chiefly from the fact that at least two fiefs were created by sale, another was a wadset and another was to be held in feu-ferm, whilst the pension was irregularly paid. There are, on the other hand, some possible indications of affinity - the invocation

193. NLS, Acc. 5474, bundle 59.

194. HMC Rep. xv, App., part viii, 64-65.

195. NLS, Acc. 5474, bundle 59. The lands given as fee for the offices were the mains of Crawford, Midlock (Nat. Grid. ref. NS 958212), Crookedstone (NS 966161) and Little Clyde (NS 994160): *ibid.*, bundle 58. The manis of (?Crawford and) Mudlak were the lands relinquished in 1481.

196. RMS, ii, nos. 1448, 3389 show that Little Clyde and Crookedstone came to be at the disposal of the earl of Crawford. All the lands given as fee were still in the hands of the laird of Covington in 1479: ADA, 89.

197. See below, pp. 111-12.

of kinship, a reference to a grantee as 'our squire' and even some limited evidence of service or attendance - which mean that none of the grantees can be disregarded entirely.

Two burghesses of Edinburgh - Walter Bertram and James Crichton of Ruthven, both of whom enjoyed terms as provost of the burgh¹⁹⁸ - took advantage of Crawford's apparent enthusiasm for shedding parts of his property within the barony of Crawford-Lindsay. Bertram was initially granted the lands of Normangill on 29 January 1476/7¹⁹⁹ and to these were added the lands of Southwood and Raggengill on the following 4 November.²⁰⁰ Both gifts were made by sale, were to be held in blench-ferm and were subject to an undertaking given by the earl on 7 November 1477, whereby Bertram's possession of the lands was to be defended on pain of 6,000 merks.²⁰¹ While this sum could hardly have represented the purchase price of the lands, it does suggest that Bertram's outlay was considerable and that neither party to the contract had anything other than pecuniary considerations in mind. Bertram did, nonetheless, attend the earl on two occasions in Edinburgh - as a witness of charters given on 11 July 1480 and 25 February 1489/90.²⁰² On the earlier date there were two charters given by the earl to James Crichton of Ruthven - the first conveying Blakehouse in Crawford-Lindsay and the second, in case he should be unable to enjoy these lands, offering Little Clyde in the same barony as an alternative.²⁰³ This arrangement -

198. Edin. Recs., 1403-1528, 262-3, 264, 270.

199. RMS, ii, no. 1391; Nat. Grid ref. NS 972226.

200. RMS, ii, no. 1391. Southwood is Nat. Grid ref. NS 936233, and Raggengill runs through sq. 94/23.

201. RMS, ii, no. 1391.

202. See Table Ib below, p. 363.

203. RMS, ii, no. 1448. Blakehouse Burn runs through Nat. Grid sq. NS 96/14; Little Clyde is Nat. Grid ref. NS 994160.

perhaps a more realistic alternative to a massive sum in lawburrows – and the fact that the lands were sold leave the contract itself without any connotations of affinity. No greater significance need be seen in the attestation by Crichton of two of the earl's writs; these were the self-same charters given by Crawford to Walter Bertram, and the then provost Crichton was accompanied in witnessing them not by any recognizable associates of the earl but by the rest of the town council of Edinburgh.²⁰⁴ On the other hand it is of interest that the earl should have addressed Crichton as his kinman²⁰⁵ – though on unknown grounds – and it appears besides that Crichton, who took his style from certain lands in Angus, held of the king and lying within the lordship of Brechin,²⁰⁶ served with Crawford as an arbiter in a dispute concerning lands in the earl's lordship of Kirkmichael in October 1477.²⁰⁷

A third Burgess to receive infeftment from the earl is barely more convincing as a parttaker. Steven Lockhart of Cleghorn was, it is true, granted the lands of Todrig in Berwickshire 'for his service' on 30 August 1486, to be held of the king, and he was also described by the earl as his 'faithful squire'.²⁰⁸ Quite how Crawford could apply this proprietorial description to a man who was a familiar squire of James III's guard²⁰⁹ and what merited an alienation which left the earl without the superiority of the lands remain, however, obscure.

204. RMS, ii, no. 1391.

205. Ibid., no. 1448.

206. Ibid., no. 551; ER, v, 525, 602.

207. SRO, GD 97/2, no. 29.

208. RMS, ii, no. 1711.

209. Ibid., no. 1283.

Although, like Crawford, a loyal supporter of James III,²¹⁰ Lockhart is not known to have maintained contact with the earl - something which is perhaps not wholly surprising given that he was, in addition to being a Lanarkshire laird,²¹¹ a burges of Lanark and a man with a keen interest in the ferry across the Clyde at Crossford.²¹² Suspicion that Crawford's gift to Lockhart was in fact a sale may well be justified.

Financial considerations were more clearly a part of two other infestments made by the earl. Dunbog and Countryhills in Fife were given under reversion to Alexander Inglis of Tarvit at an unknown date before January 1484/5²¹³ whilst the mains of Kinblethmont in the barony of the same name in Angus was given to William Guthrie on 2 October 1470 to be held in feu ferm for ten pounds yearly.²¹⁴ No evidence of contact between these men and Crawford is apparent, although the earl did regard Guthrie as a kinsman - probably because he was a cadet of the Guthries of that ilk - and his gift of the mains of Kinblethmont was made 'for service rendered'.

The four remaining gifts known to have been made by the earl might be taken more seriously as indicating affinity, for there is no hint that the earl's finances were directly to benefit thereby. This does not mean that all of these gifts are exempt from reservations as to their significance - concrete manifestations of affinity that may be associated with them are not abundant, and in the case of a gift to Sir James Ogilvy of

210. Macdougall, James III, 251, 256.

211. Cleghorn is 2 miles N.E. of Lanark.

212. ADA, 118*, 133*, 134*, 144*, 158, 169, 183.

213. ADC, 102*.

214. RMS, ii, no. 3575.

Findlater there seems to be good reason to doubt whether mutual goodwill could have been maintained – but one at least was plainly a reward for a particular and most welcome service.

At an unknown date before 13 October 1474 the earl gave to Sir James Ogilvy of Findlater, later of Deskford, his lands of Bauchlaw, south-west of Banff, and his annuity of nineteen marks from the farms of the river Deveron in the burgh of Banff.²¹⁵ Ogilvy's possession of Bauchlaw is not known to have been obstructed in any way, but his receipt of the pension seems to have been subject to inordinate delay. Assuming Ogilvy was not the earl's herald, to whom the Banff annuity was assigned in the exchequer year 1472-3,²¹⁶ he should have been paid the nineteen marks commencing no earlier than the year of account 1473-4 and, given that the earl's gift was confirmed by the king before Martinmas 1474,²¹⁷ no later than the year of account 1474-5. However, Crawford raised the annuity himself until 1477,²¹⁸ and though he may have paid Ogilvy personally during that time it is clear that arrangements for the latter's collection of his yearly entitlement broke down thereafter. Crawford's inability or unwillingness to look after his grantee's interests resulted in a lapse in payment until the exchequer year 1495-6, during which the earl died and Ogilvy was at last able to obtain a lump sum of £240 13s 4d as his due for that year and the preceding eighteen.²¹⁹

215. Ibid., no. 1184.

216. ER, viii, 204.

217. RMS, ii, no. 1184.

218. ER, viii, 475.

219. ER, x, 458.

One gift whose bestowal has to be inferred from differences between two charters rather than understood from a single writ is that which came the way of the earl's kinsman - of unknown relationship - David Lindsay of Baikie on 28 November 1468. By a charter of this date the earl granted to Lindsay, as son and apparent heir of David Lindsay of Lethnot, following the latter's resignation, certain lands, including Lethnot, in the barony of Clova which were to be held in blench ferm.²²⁰ This contrasts with an earlier charter whereby the earl granted the same lands to Lindsay of Baikie, but specified tenure by ward, relief, suit of court and service used and wont.²²¹ Evidence as to what might have lain behind this piece of generosity is somewhat meagre, and what there is has rather more to do with David Lindsay of Lethnot than his son. Lindsay of Lethnot was appointed bailie by the earl in August 1467 to give sasine of Edzell to Walter Lindsay of Beaufort.²²² In addition, on 4 January 1468/9 he offered to arbitrate in a dispute between the same Walter Lindsay and Walter Ogilvy of Uras, and since the lairds of Beaufort and Uras were both kinsmen and tenants of Crawford it is possible that the earl was responsible for putting forward another of his kinsmen and tenants as an impartial judge.²²³ On the other hand,

220. SRO, GD 16/13, no. 5. 'Lethnot' as in the modern parish of Lethnot & Navar and the mill of Lethnot lay in the lordship of Glenesk: RMS, ii, no. 3627. Over and Nether Lethnot, held by the Lindsays of Lethnot in the barony of Clova, are lost, being now represented only

by the Craigs of Lethnot in Glen Clova, *Nat. Grid sq.* NO 36/65.

221. RMS, ii, no. 1420; see below, pp. 364, 366.

222. Rylands, Crawford, box E.

223. Haigh Inventory, ii, 4. Ogilvy was a nephew of the earl's grandmother, and held land of the earl in Cairnbeddie in eastern Perthshire: SP, i, 109-11; Rylands, Crawford, box B, no. 46/1; SRO, RH/6, nos. 441c, 466e. The dispute concerned a portion of the lands of Baikie, but not, it seems, that quarter which Margaret Fenton, wife of Lindsay of Lethnot, had given to their son.

the fact that the laird of Lethnot was at pains to give his offer credibility by declaring not his impartiality but rather 'that he was na man to Wat Lindesay in the tym' suggests that there was a suspicion of his attachment to the laird of Beaufort. So far as David Lindsay of Baikie is concerned, evidence of association with the Crawford Lindsays is confined to his being accused before the lords of council on 22 April 1479 of committing various outrages at Coupar Abbey in company with Alexander Lindsay, master of Crawford, and others.²²⁴ The younger David Lindsay, who took his style from the quarter of the lands of Baikie in western Angus resigned in his favour by his mother, Margaret Fenton,²²⁵ was dead by 13 May 1488, leaving no lawful heir, and seems to have been outlived by his father.²²⁶

The remaining gift - that expressed in a charter given by the earl on 26 February 1463/4 - explains itself. The capture of the earl of Crawford by the exiled earl of Douglas in March 1462/3 is sketchily documented - the length of Crawford's captivity and the manner of his release remain unknown²²⁷ - but it is apparent that the man responsible for freeing him was Herbert Johnstone of Dalebank, an Annandale laird whose services prompted the gift of a total of fifteen merklands in the regality of Kirkmichael in Dumfriesshire to be held in blench ferm, along with the office of bailie of the same barony.²²⁸ There is some indication that the bailiary of Kirkmichael was already in the hands of the Johnstone family,²²⁹ but it seems likely that at least part of the gift -

224. ADC, 29.

225. RMS, ii, no. 631.

226. Ibid., no. 1764; Haigh Inventory, i, 38; SRO, GD 16/12, no. 12.

227. The sources for the event seem to be restricted to a short English chronicle and this Crawford charter: Three Fifteenth-Century Chronicles, ed. J. Gairdner (Camden Society, 1880), 159; RMS, ii, no. 786.

228. Ibid.

229. ER, vi, 169.

if not the bailiary, then perhaps the lands or the terms of tenure — was new. With regard to the collection of rents the office was probably a sinecure, for it is doubtful whether the earl retained any property in Kirkmichael once Johnstone had been infeft in his fifteen merklands. With regard to the other 'issues, profits and escheats of the said barony and fines for wrangis' it may be presumed that Johnstone responded satisfactorily until his death, which occurred at some time before 9 July 1484, or until the regality passed out of the Crawford patrimony — whichever was the earlier.²³⁰ Johnstone's connexion with the earl seems not to have been restricted to carrying out the duties of office in a remote lordship, for he is found as a witness of one of Crawford's charters given in Edinburgh in March 1470/1.²³¹

Some limited further extension of Crawford's outer circle of lay associates can be observed in connexion with his marriages. Earl David married twice: firstly Elizabeth Hamilton, daughter of James, Lord Hamilton, and secondly Margaret Carmichael, granddaughter of John Carmichael of Meadowflat. Lord Hamilton was granted the marriage of the minor earl of Crawford on 27 February 1458/9,²³² and the wedding probably took place soon afterwards,²³³ although no notice earlier than 21 March 1465/6 has been found showing that Crawford and Elizabeth Hamilton were married.²³⁴

230. The whole lordship, including superiorities, seems to have found its way by stages into the hands of Lord Crichton: RMS, ii, nos. 226, 361; SRO, GD 97/2, no. 29; ADA, 54. Crichton's forfeiture in 1484 made no practical difference; Herbert Johnstone's son and heir was to hold his inheritance within the lordship in chief of the king: RMS, ii, no. 1588.

231. See Table Ib below, p. 363.

232. RMS, ii, no. 682.

233. This may be judged from the fact that the earl was able to entail lands to his elder son in 1474: ibid., no. 1191.

234. CPL, xii, 816.

Since Elizabeth outlived the earl²³⁵ it would appear that the marriage was dissolved at some time after 6 December 1474²³⁶—probably on grounds of consanguinity, given that Lord Hamilton's brother John was termed kinsman of the fourth earl of Crawford in 1449.²³⁷ Crawford was certainly married to Margaret Carmichael by 27 September 1484,²³⁸ but the rather earlier appearance of bearers of the name Carmichael in the earl's writs suggests that the period between the earl's marriages was brief and did not extend into the 1480s.²³⁹

The ties between Crawford and some bearers of the surname Hamilton may not have been insignificant for the duration of the earl's first marriage. The orthographically wayward 'Lord Domelyn', who may conceivably have been Lord Hamilton and 'Antrys hys brother of Hemyldon', along with the more positively identifiable Sir Robert Hamilton of Preston, were among those who rode with Crawford to the 'Esthyl' in March 1462/3 where they were captured by the exiled ninth earl of Douglas.²⁴⁰ Thereafter the earl is found in attendance upon Lord Hamilton, witnessing a charter given at Hamilton Castle on 13 October 1465,²⁴¹ and Lord Hamilton and Sir Robert Hamilton of Preston are found in attendance upon the earl, witnessing a charter given in Edinburgh on 2 October 1470.²⁴² Lord Hamilton and Sir Robert were also two of the four men whom James III accepted on 3 August 1468 as the earl's attorneys, having general authority

235. Rylands, Crawford, 75/1/6.

236. RMS, ii, no. 1191.

237. Ibid., no. 1075.

238. Ibid., no. 1599.

239. See Tables Ib and II below, pp. 363, 367.

240. Three Chronicles, ed. Gairdner, 159.

241. SRO, RH 6/385.

242. See Table Ia below, p. 362.

to act 'in all business and discussions, causes and quarrels moved or to be moved touching the same David'.²⁴³ Ties may have been reinforced by the marriage between one Elizabeth Lindsay and James Hamilton, nephew and heir of John Hamilton of Shawfield,²⁴⁴ the latter being a brother of Lord Hamilton and a tenant of the earls of Crawford in certain lands in Crawford-Lindsay since 1449.²⁴⁵ However, the association between Crawford and the Hamiltons was probably brought to an abrupt end by the dissolution of the earl's marriage.

Crawford's second marriage no doubt had more to do with personal choice than his first, and may not have been unrelated to his connexion with the Lindsays of Covington, whose tenants in Covington the Carmichaels of Meadowflat were.²⁴⁶ John Carmichael of Meadowflat may have come into the earl's orbit as early as April 1474, and was certainly with Crawford in Edinburgh on 11 July 1480.²⁴⁷ He became keeper of Crawford Castle in May 1481 by gift of Lindsay of Covington, at the same time being given Midlock and the mains of Crawford - some of the lands held by the laird of Covington and his son as fee for their dual office as keepers and bailies of Crawford.²⁴⁸ By 25 February 1489/90 Carmichael had evidently acquired further lands in the barony, for, on or before that date he resigned these to the earl, along with Midlock and the mains, in favour of William Carmichael, his son and apparent heir, to whom Crawford gave them 'for his service' to be held in blench ferm.²⁴⁹ On 16 June next after this

243. NLS, Acc. 5474, bundle 59.

244. HMC Rep. xv, App., part viii, 64-65.

245. Ibid., 63-64; RMS, ii, no. 1705.

246. Ibid., no. 3631; NLS, Acc. 5976, box 6, bundle 55.

247. See Table 1b below, p. 363. The John Carmichael of 1474 was given no lairdly style: RMS, ii, no. 1169.

248. NLS, Acc. 5474, bundle 59.

249. RMS, ii, no. 1940.

conveyance William, who was the father of Margaret Carmichael and was called the earl's 'familiar servant', received more land in Crawford-Lindsay from his son-in-law, these to be held for suit of court.²⁵⁰ William appears to have witnessed just one of the earl's charters - in Edinburgh on 6 March 1489/90.²⁵¹ Both he and his father were dead by 20 July 1496.²⁵²

This seems to be the limit of the use to which manrent and marriage can be put to explain jejune evidence of service and attendance by laymen of independent means and, conversely, of the use to which such evidence can be put to explain gifts made by the earl. Amalgamating the products of this approach with the products of the scattered evidence of long-term association, it may be said that thus far considered the earl's outer circle of lay clients and associates around 1480, comprehended some or all of the following: in his chief sphere of influence the lairds of Affleck, Beaufort and Kinnaird, who were bound in manrent to him, along with the lairds of Lethnot, Newtibber and Panmure and William Guthrie, feuar of Kinblethmont; further afield there were the lairds of Covington, Dalebank and Meadowflat, who held office of the earl, Lord Innermeath, the laird of Auchterless and James Crichton, burgess of Edinburgh. Whilst bearing in mind that this body of thirteen men is in some degree arbitrarily selected from those hitherto discussed, it is worth noting two features of the group: that identified inherited tenants number only four, and that those whom the earl is known to have regarded as kinsmen number eight.

250. Ibid., no. 3389.

251. See Table Ib below, p. 363.

252. ER, x, 611-12.

In Crawford's writs of the 1470s and 1480s there remain a quantity of incidentally occurring lairds' names which cannot be linked to bonds, gifts or the earl's marriages, and whose bearers' recorded service to or attendance upon the earl did not commence in the 1460s. Not all of these can be excluded from consideration quite as easily as Sir Alexander Dunbar of Westfield and James Innes of that ilk, witnesses in Edinburgh in March 1482/3 in company with the earl of Huntly, of Crawford's confirmation of a charter conveying land to Patrick Gordon of Methlick.²⁵³

Among the more convincing as Crawford's parttakers are Master John Lyon of Courtestown and David Ogilvy of that ilk, both of whom were in the earl's presence on more than one occasion. Lyon, brother of Alexander, second Lord Glamis, and in 1484 his successor as third Lord Glamis,²⁵⁴ witnessed a charter of the earl of Crawford given in Edinburgh in November 1474.²⁵⁵ Five years later, in spite of his brother's feud with the master of Crawford,²⁵⁶ he lent his advice to the earl at the perambulation of Camustane.²⁵⁷ Ogilvy too was at this perambulation, having earlier, on 28 September 1477, acted jointly with Thomas Fotheringham of Powrie as procurator to resign lands to the earl of Crawford on behalf of the widow of Hugh Arbuthnott.²⁵⁸ Later, on 2 May 1482, he was with the earl as a witness of an agreement between David Lindsay of Beaufort and John Annandale.²⁵⁹

253. SRO, GD 33/30, no. 5.

254. ADA, 71; SP, viii, 273-4.

255. See Table Ib below, p. 363.

256. APS, ii, 122.

257. See Table II below, p. 367.

258. SP, i, 280.

259. See Table II below, p. 367.

No others are known to have been in the earl's presence more than once, although the tie of tenancy can be noted in one case and kinship guessed at in others. James Rhind of Broxmouth was among those at Camustane in 1481 and it is clear that he was the earl's tenant in certain lands in the forest of Plater. It is of some interest that the earl's charter of 31 March 1466 to Rhind's son, Alexander, which reveals this tenancy, refers to the grantee's 'service' as prompting its issue, although no trace of such can be found.²⁶⁰ Significance might be attached to the fact that a royal charter given to James Rhind on 29 August 1475 was attested by Thomas Fotheringham of Powrie.²⁶¹ David Lindsay of Leckaway and Alexander Lindsay of Dunrod might reasonably, by virtue of their surname, be taken as the earl's kinmen. The laird of Leckaway was probably in the earl's company along with various better-attested of his parttakers in November 1478 when witnessing a charter given in Dundee by Crawford's grandmother, Marjory Ogilvy, dowager countess of Crawford.²⁶² It is apparent, however, that the superior of his lands of Leckaway in the barony of Fern was at that time the same dowager countess, to whom liferent of the barony was reserved.²⁶³ Lindsey's attestation of a writ given by the master of Crawford in July 1484 is no easier to translate into a sign of affinity with the earl.²⁶⁴ The laird of Dunrod was plainly based far beyond any of Crawford's territorial spheres of influence, great or small; his lands, held in chief of the king, lay in Renfrewshire and Cowal,²⁶⁵ and it is no particular surprise that

260. RMS, ii, no. 1028. Whether or not his was the Broxmouth east of Dunbar, Rhind seems to have been Angus-based: RMS, ii, no. 1038; ADA, 60; ER, x, 771.

261. Ibid., no. 1254.

262. See Table II, below, p. 367.

263. Haigh Inventory, ii, 1.

264. Rylands, Crawford, box E.

265. ER, vii, 386, 551; ix, 663. Dunrod is Nat. Grid ref. NS 223731.

the one Crawford charter which he is known to have witnessed was given in Edinburgh.²⁶⁶

Crawford's known appointments to bailiary are neither numerous nor particularly revealing; those nominated to give sasine were normally lairds of Crawford's 'inner circle'. There is, however, one precept which fails to adhere to the usual pattern and may be of some assistance in broadening the picture of the earl's wider affinity. Malcolm Guthrie of Kingennie, an Angus laird and a burghess and sometime provost of Dundee,²⁶⁷ was addressed by the earl as his kinsman when nominated as a bailie ad hoc in 1472.²⁶⁸ That he may have seen himself as the earl's man is further suggested by the fact that he held office as sheriff-depute of Forfar for an indeterminate period in the early 1480s - probably until his death on 24 November 1482.²⁶⁹ Guthrie's spouse was one Marjory Strachan,²⁷⁰ and it is likely that this union entitled the earl to describe James Strachan, appointed bailie on the same occasion in 1472, as his kinsman. The same status was probably also accorded Alexander Strachan of Brighton who, though not specifically appointed to the task, gave sasine following the precept.²⁷¹ If Brighton was the town of that name in the barony of Ruthven, it would follow that Alexander was also the earl's tenant.²⁷²

One further member of an 'outer circle' is suggested not by his service to or attendance upon the earl, but rather by attention paid to him. In granting land to his son and

266. See Table Ib below, p. 363.

267. ER, vii, 513; viii, 110, 205, 313, 381, 396, 460, 543, 624; ix, 74, 149, 198, 222.

268. Kirkbuddo Inventory, 13, no. 2.

269. ADA, 97; ER, ix, 222.

270. ADA, 141*.

271. Kirkbuddo Inventory, 13, no. 2.

272. RMS, ii, no. 1191.

daughter-in-law in Dundee on 16 April 1478, Silvester Rattray of that ilk was honoured with the presence of the earl and six of his men as the only named witnesses of his charter.²⁷³

The lands involved, being in the barony of Kynballoch in Perthshire, seem to have been no concern of the earl of Crawford and if the purely coincidental presence of the earl and his entourage in Dundee at the same time as Rattray is ruled out, there does remain as an explanation the possibility of paternal interest on the earl's part in the affairs of one of his parttakers.

Few clergymen can be classed as belonging to the outer reaches of the earl's affinity. Crawford is not known to have had any say in the major ecclesiastical appointments within his chief sphere of influence and seems to have had little enough contact with such as the bishops of Brechin, the abbots of Arbroath and Coupar and the priors of Restenneth, or with any of their subordinates. The only kirkman of any substance whose record of attendance upon the earl attracts attention is Master George Carmichael, treasurer of Glasgow, who is known to have been with Crawford in Edinburgh on four occasions between 1474 and 1480 and was one of those nominated in 1482 to serve with him on the council of the earl of Angus.²⁷⁴ Carmichael, who died in the summer of 1485,²⁷⁵ was a kinsman of the earl, being thus styled before, so far as can be gathered, Crawford's marriage to Margaret Carmichael could have taken place.²⁷⁶ Less evidence of attendance is found in the case of Master James Lindsay, dean of Glasgow,

273. Ibid., no. 1427.

274. See Tables Ib and II below, pp. 363, 367.

275. Watt, Fasti, 165-6.

276. HMC Rep. xv, App. part viii, 64-5.

another whom the earl regarded as his kinsman and who attested a Crawford charter given in Edinburgh in 1474,²⁷⁷ having previously been named as one of those entitled to accompany the earl in the English safe-conduct of 28 November 1468.²⁷⁸

The earl's rights of parochial patronage were not extensive, being restricted after 1472 to the parsonages of Finavon, Inverarity and Lethnot in Angus, and Dunlichity in Strathnairn.²⁷⁹ Some use was probably made of these rights to provide kinsmen with benefices, for the parson of Finavon in 1486 was one Master Henry Carmichael²⁸⁰ and the parson of Dunlichity in 1488 was a sir Alexander Guthrie,²⁸¹ each of whom is found in the earl's company on one occasion.²⁸² Only one other incumbent of a parsonage in Crawford's gift - sir George Jackson, - is known either to have attended him or to have been presented to the benefice by the fifth earl himself. Jackson was with the earl as a witness of a charter given at Brechin in June 1490, at which time he was parson of Finavon - perhaps as the immediate successor of Master Henry Carmichael.²⁸³

Previous earls of Crawford had not sought to secure their eternal bliss by founding a secular college, and the fifth earl did not alter the situation. He did, however, have a number of chaplainries at his disposal: five in the parish kirk of Dundee, one at Dunbog in the parish of Lethnot, and probably others in

277. Ibid.

278. CDS, iv, no. 1382.

279. Cowan, Parishes, 53, 66, 87, 131. Crawford gave the patronage of Kirkbuddo to Master David Guthrie in 1472: RMS, ii, no. 1078. The parsonage of Inverarity, which was in the earl's gift by turns with the bishop of St Andrews, was given by Crawford to his brother in March 1489/90: ibid., no. 1938.

280. RMS, iii, no. 1489. The fifth earl may later have presented Carmichael to the parsonage of Lethnot: RMS, ii, no. 2874.

281. Lindsay, Lives of the Lindsays, i, 456-7.

282. See Tables Ib and II below, pp. 363, 367.

283. See Table Ib below, p. 363. Parsons of Finavon, Inverarity and Lethnot who were the earl's contemporaries but are not found in his company can be identified: RMS, ii, nos. 1221, 1238; Brech. Reg., i, 196.

Brechin Cathedral, Finavon Castle and the parish kirk of Meikle, which are known to have been endowed by him.²⁸⁴

No occupants of any of these chaplainries can positively be identified, and it is in any case more likely that this sort of minor benefice would be held by clerks of the earl's household than by members of an 'outer circle'.

The available evidence requires placing under relatively little strain in order to produce a plausible picture of the earl's household during the 1470s and 1480s. Witness-lists alone provide sufficient material for the identification of on the one hand a group of clerks who probably formed the substance of the earl's central administration, and on the other a body of laymen who can be treated as household squires.

One aspect of the household is nevertheless ill-served: bearers of particular office tend not to be identified, and this is nowhere better exemplified than in the case of Master Gilbert Tyrie, variously parson of Lyne, vicar of Cargill and master of the hospital of Montrose. Tyrie was clearly the least dispensable of the clerks who attended the earl; his record as a witness of writs issued by and in the presence of the earl of Crawford is bettered - and only just - by that of one other individual: Thomas Fotheringham of Powrie. Tyrie is found with the earl as a witness of some twenty-seven writs, variously issued in Edinburgh and at a number of venues in Forfarshire between November 1468 and March 1489/90.²⁸⁵ He was not without means,

284. SRD, GD 121/3, bundle 2; Brech. Reg., ii, 14-15; ER, ix, 554; RMS, ii, no. 1169.

285. See Tables Ia and b below, pp. 362-3.

but it is noteworthy that he seems not to have obtained any of his sources of income through the agency of the earl. Found as parson of Lyne in Peeblesshire from 1468²⁸⁶ and first described as vicar of Cargill in eastern Perthshire ten years later,²⁸⁷ Tyrie appears in record thereafter styled as the incumbent of one or other of these cures, but never as both, making it difficult to tell whether he held the benefices in plurality or did not successfully enter the second. Neither of these benefices nor the mastership of the hospital of Montrose - Tyrie's tenure of which is known from one reference dating from March 1472/3²⁸⁸ - appears to have been in the patronage of the earl of Crawford.²⁸⁹ Tyrie looks more likely to have been Crawford's secretary than anyone else - particularly as his association with the earl commences soon after the solitary instance of writ attestation by Master Andrew Lyle, who is the only person to have been called, in so many words, 'the earl's secretary'.²⁹⁰ However, Tyrie's status is not more precisely defined than by the description 'duke's clerk', applied to him in a charter of February 1489/90.²⁹¹ Nor was he alone in being thus distinguished; the appellation applied also to sir Alexander Scott, parson of Wigtown,²⁹² whose association with the earl began in earnest only in the late 1480s. Although acting with Crawford as an arbiter in a dispute concerning lands in Kirkmichael in 1477 and witnessing a charter given by the earl at Finavon in 1485,²⁹³ Scott's career at that

286. SR0, GD 16/13, no. 5.

287. RMS, iii, no. 1572n.

288. RMS, ii, no. 1113.

289. Cowan, Parishes, 27, 141-2; MRHS, 185-6.

290. SR0, GD 121/3, bundle 4. The English safe-conduct of 28 Nov. 1468, which included Lyle, the treasurer of Aberdeen, among those entitled to accompany Crawford, may have been issued in respect of an application made when Lyle was still in the earl's employ: CDS, iv, no. 1382.

291. RMS, ii, no. 1940.

292. Ibid.

293. See Tables Ib and II below, pp. 363, 367. In 1477 Scott was fermour of Powrie: ER, viii, 544.

time certainly lay in the service of James III. He had become clerk of council by Whitsunday 1471,²⁹⁴ and was paid a fee out of the woollen cloth custom of Edinburgh until 1479,²⁹⁵ whereafter he evidently found a benefice of commensurate value - probably the parsonage of Philorth.²⁹⁶ By 17 June 1483 he had become parson of Wigtown and had additionally acquired the office of clerk register.²⁹⁷ He retained both his royal offices until being ousted from the government by James IV - Scott's successor was appointed on the day after the battle of Sauchieburn.²⁹⁸ That Scott should at this point have entered the service of a magnate who shared his political sympathies and whom he certainly knew seems entirely reasonable. The shortage of documentary material for the last five years of the earl's life makes it difficult to judge the length of Scott's service, but it is clear that he witnessed three of the last four Crawford charters for which witnesses are given.²⁹⁹

'Duke's clerk' may be no indication of formal office, but the same is obviously not true of 'earl's chamberlain', a position for which the names of three holders are certainly known.³⁰⁰ Curiously, these three - Master Henry Lindsay, notary public, who is not definitely known to have been a kinsman of the earl, sir James Dickson, canon of Brechin Cathedral and Master Henry Barry, notary public and parson of Collace, appear to have been chamberlain in quick succession, each being so described in charters of the years

294. Ibid., 135-6.

295. Ibid., 135, 192, 254, 315, 391, 465, 548, 630; ix, 80.

296. ADA, 113*.

297. ER, ix, 209.

298. RMS, ii, no. 1731.

299. See Table Ib below, p. 363.

300. A holder of the office in 1478 may be identified in ER, viii, 558. The wording of the relevant passage, though equivocal, does not support the apparent assumption that the earl's chamberlain was William Shivas, elect of St Andrews: ibid., 725. See below, n. 314.

1485, 1486 and 1487 respectively.³⁰¹ Whilst this may indicate a more ad hoc quality than would normally be associated with the office, lacking further evidence it is probably safer to infer nothing from the information other than that there was for a brief period an extraordinary turnover of chamberlains.

Master Henry Lindsay, who witnessed a charter as the earl's chamberlain at Finavon on 12 May 1485, had previously been the earl's cautioner for tacks in the lordship of Brechin and Navar in 1480 and 1484,³⁰² and had witnessed charters issued by the earl in Dundee in July 1482 and Edinburgh in March 1482/3, as well as a precept given in February 1480/1.³⁰³ It was not death which ended his period in office,³⁰⁴ but in ceasing to hold the chamberlainry he seems also to have ceased contact with the earl. The two later chamberlains had enjoyed a lengthy association with the earl before taking up the office, and in the case of Lindsay's apparent successor, sir James Dickson, it seems quite likely that death accounts for his brief tenure of the chamberlainry. Dickson makes his sole appearance as chamberlain as a witness of a charter given by the earl in Dundee on 22 June 1486, having attested four earlier writs of the earl's, the first dated in August 1467, and none known to have been given in Edinburgh.³⁰⁵ In 1470 he appears as the earl's chaplain³⁰⁶ - perhaps signifying that he held a chaplainry endowed by and in the gift of the earls of Crawford. By April 1472 he was parson of Kirkbuddo - a parish whose patron was then the earl of Crawford, although he remained so for only another

301. Brech. Req., i, 210-12; RMS, ii, no. 1691.

302. ER, ix, 576; Brech. Req., ii, 425-7.

303. See Tables Ib and II below, pp. 363, 367.

304. RMS, ii, no. 1966.

305. See Tables Ia and b, II below, pp. 362-3, 367.

306. SRD, GD 121/3, bundle 16.

five months.³⁰⁷ Dickson had vacated the parsonage by 18 September 1479,³⁰⁸ and had become a canon of Brechin by September 1475.³⁰⁹

Master Henry Barry first appears in connexion with the earl of Crawford in an English safe-conduct of 28 November 1468.³¹⁰ There is, however, a gap of nearly ten years before his name once more appears with the earl's. Subsequently he witnessed a precept given by the earl in February 1480/1, was notary of the agreement between Crawford and Maule of Panmure in November 1481 and had become chamberlain by 31 July 1487 when he witnessed a charter of the earl's in Dundee. Fifteen months later he was notary of the earl's protest anent his enforced resignation of the shrievalty of Forfar.³¹¹ The parsonage of Collace, of which he was already in possession when given the safe-conduct, was in the patronage of the bishops of St Andrews.³¹² Barry later acquired office within the bishopric, becoming dean of Angus by 5 July 1488,³¹³ but it is not known whether this necessitated his leaving the office of chamberlain to the earl of Crawford. The archbishop of St Andrews at this time was William Shivas,³¹⁴ a man who shared, as a protégé of James III, the political sympathies of Crawford,³¹⁵ and there is thus a possibility that Barry obtained the deanery with Crawford's assistance.

There are few other clerical witnesses of note to be found in the earl's writs, and certainly no others identified as bearers of office. There is a handful of priests described as chaplains, but no others besides James Dickson were accorded the possessive

307. Brech. Reg., ii, 114-15; RMS, ii, no. 1078.

308. By that date sir John Nicholson had entered the parsonage: Kirkbuddo Inventory, 15-16, no. 6.

309. Rylands, Crawford, box E (Sir David Lindsay of Beaufort, 1 Sept. 1475).

310. CDS, iv, no. 1382.

311. See Tables Ib and II below, pp. 363, 367.

312. Cowan, Parishes, 33.

313. Watt, Fasti, 318.

314. Ibid., 295. *This spelling of his name is preferred to the normal 'Scheves' in order to accord with the principle stated*

315. Macdougall, James III, 126-7. *[above, p. iv.]*

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315. Macdonnell, James III, 126-7.

pronoun by the earl. Sirs David Colston, William Innes, Henry Scott and Thomas Shorthouse are notably obscure,³¹⁶ although the last-named seems to have remained an associate of Margaret Carmichael after the fifth earl's death.³¹⁷ Sir David Guthrie, on the other hand, might be identified as a brother of Sir Alexander Guthrie of that ilk,³¹⁸ and is at least found with the earl on two occasions - in May 1486 and October 1488, both in Dundee.³¹⁹ Master David Fotheringham, with the earl in Edinburgh in April 1474, was probably a kinsman of the laird of Powrie.³²⁰ Crawford seems to have favoured no particular notary public - or rather there is no notary, other than the two of his chamberlains who were so qualified, whom the earl employed at more than one place. In Edinburgh Crawford seems to have used the services of sir David Lauderdale, vicar of Tarves, twice in the early 1470s, of sir Henry Strachan once in February 1489/90, and of John Waugh over a possibly lengthy period. In Dundee he employed sir Alexander Forfar during the 1460s and on a further occasion in 1482, and Robert Shirras in the 1480s.³²¹

The laymen other than his inner circle of lairds who might be considered as having rendered household service to the earl can with two exceptions be classed as squires. John Langlands is the member of this category found earliest in regular attendance upon the earl, witnessing five writs drawn up in Crawford's presence between 1468 and 1474.³²² Langlands, who was related to the earl by his marriage to Elizabeth Lindsay, daughter

316. See Tables Ib and II below, pp. 363, 367.

317. RMS, ii, no. 2874.

318. Kirkbuddo Inventory, 15-16, no. 6.

319. See Table II below, p. 367.

320. See Table Ib below, p. 363.

321. See Tables Ia and b, II below, pp. 362-3, 367.

322. See Tables Ia and b, below pp. 362-3.

of David Lindsay of Lethnot,³²³ probably left the earl's household around the time that he acquired a quarter of the lands of Collace in eastern Perthshire and other properties by way of tocher. From 1474 until his death in around 1488 it seems reasonable to regard Langlands as a member of the earl's wider affinity - particularly in view of the fact that Thomas Fotheringham of Powrie, Master Gilbert Tyrie and Robert Shirras, notary public, attested his widow's disposal of his lands to their son and heir.³²⁴ Later on the earl seems to have been regularly accompanied by George Carmichael and George Mercer - witnesses of eight and six writs respectively - and a little less frequently by David Fotheringham, Gavid Affleck and Patrick Lumsden - witnesses of four, three and two writs respectively.³²⁵ Carmichael, Fotheringham and Affleck - probably cadets of the lairdly houses of Meadowflat, Powrie and Affleck - may well have been regarded as kinsmen by the earl. All of this group, and Langlands as well, witnessed writs given in both Edinburgh and Forfarshire, and might thus be taken as having served in Crawford's entourage. This is not obviously the case with David Glen, who witnessed a single writ given at Finavon in 1485, but who in doing so was described as 'our squire' by the earl - a distinction which Glen shared with only George Mercer.³²⁶

The earl may also have enjoyed the company of a household knight - a Sir James Douglas, who seems, unusually for a man of

323. RMS, ii, no. 630.

324. Ibid., nos. 1674, 1816.

325. See Tables Ib and II below, pp. 363, 367. James Mercer might be included in this group. Affleck rode with the master of Crawford to Coupar Abbey in 1479: ADC, 29.

326. Brech. Req., i, 212.

his rank, not to have been a laird, although he did receive a substantial pension from the king.³²⁷ Adventurously and incorrectly identified by one commentator as the erstwhile ninth earl of Douglas,³²⁸ Sir James witnessed charters given by the earl of Crawford in Dundee in 1479 and 1486 and in Edinburgh in 1481.³²⁹

In being supported out of royal revenues Sir James Douglas had something in common with one remaining probable member of the earl's household - an officer of the earl's whose existence is known even if his name is not. He was the earl's pursuivant, called 'Endure' until 1464 when he became more prosaically known as 'Lindsay Herald'.³³⁰ Originally the fourth earl's herald, he comes to light in a series of payments made to him out of the customs and burgh mails of Aberdeen, and dating from the Martinmas term of 1453. These payments, of £10 yearly from the customs³³¹ and five marks yearly from the mails,³³² were authorized by the king and lasted until 1465 when, for one year only, they were replaced by a single payment of £13 6s 8d from the customs of Dundee.³³³ Thereafter the king seems to have given no further mandate for this annuity, and payment ceased until the year preceding the exchequer audit of July 1473 when an isolated sum of £12 13s 4d was paid to the herald out of the burgh mails of Banff.³³⁴ The initial series of payments lacks an explanation.

327. RMS, ii, no. 1776.

328. ER, x, p. lxvii. Douglas was not captured until 1484: Nicholson, The Later Middle Ages, 516-17.

329. See Table Ib below, p. 363.

330. ER, vii, 305.

331. ER, v, 630; vi, 23, 129, 304, 397, 501, 593; vii, 31, 142, 214, 295, 371.

332. ER, v, 639; vi, 42, 135, 320, 404, 510, 602; vii, 43, 222, 305, 377.

333. ER, vii, 427.

334. ER, viii, 204.

Crawford himself received substantial annuities from burgh revenues,³³⁵ and in turn paid pensions to others out of these,³³⁶ but the payments to 'Endure' seem to have been entirely separate. The payment from the Banff mails, on the other hand, seems to correspond to an old and heritable annuity paid to the earls of Crawford from the reign of Robert II,³³⁷ and which earl David took up from 1473.³³⁸

The available evidence suggests that the fifth earl of Crawford came to be a focus for what might be taken as a substantial body of men. Half-a-dozen lairdly families were evidently very close to him and perhaps upwards of a dozen others saw him as their lord. Such a bald numerical assessment has, of course, no intrinsic meaning, although it is fairly safe to assume that few of these individuals were actually essential to the administration of Crawford's estates, and that most were in the position of clients rather than functionaries. Placing some sort of interpretation upon this assessment is neither a matter of great precision nor of conclusive proof, but it is worth attempting to show in general terms what Crawford's affinity did and did not contain.

Kinsmen are to be found aplenty among the earl's associates, but much of this can be attributed to the earl's own definition of kinship. So far as Fotheringham of Powrie, Ogilvy of Clova, Guthrie of that ilk and Ruthven of Crichton are concerned it seems likely that remote kinship, possibly involving no blood relationship, was being invoked where affinity existed. Given the likely level of intermarriage among the denizens of Angus, the earl could probably have found some reason for addressing a

335. See below, pp. 337-8.

336. See above, p. 77.

337. ER, x, 619.

338. ER, viii, 475.

large proportion of the lairds from his chief sphere of influence as his kinsmen had he so wished, and it is unlikely that affinity was the automatic product of kinship in these instances. It is still less likely in the cases of Lindsay of Beaufort, Lindsay of Covington, Affleck of that ilk and Carnegie of Kinnaird, from whom the earl needed to obtain bonds of manrent.

With the exception of the laird of Auchtermoonzie, the earl's brother, no close blood relatives can be found serving or attending Crawford; those of the earl's surname were not invariably called kinsmen and, except for Lindsay of the Haugh - whose hereditary office might be deemed as significant as kinship - Lindsay of Covington, Master James Lindsay, chanter of Moray, and Master Henry Lindsay, they seem to have been absent from or extremely peripheral to the earl's affinity. If the Lindsays of Beaufort and Lethnot had a natural right to give the earl counsel it is not clear that it was ever exercised. Any connexion between Crawford and the Lindsays of Leckaway and Dunrod is ill-attested; ties between Crawford and other Lindsay lairds and cadets of the line of Lindsay, earl of Crawford, are not attested at all. Most notable is the lack of any observable affinity between the earl and his two sons, Alexander and John, neither of whom is known to have witnessed a single writ issued by or in the presence of the earl or to have served their father in any way. Affinity did follow on from the earl's two marriages, but the marriages which the earl secured for his children cannot be shown to have had any impact upon his body of associates.

The earl's established tenantry probably yielded yet fewer

associates. The lairds of Powrie, Clova, the Haugh, Covington, Panmure, Broxmouth and Beaufort are all identifiable as tenants inherited by the earl, and all, with varying degrees of certainty, might be classed as his parttakers. Andrew, Lord Gray, William, Lord Crichton, David Annand of Auchterellon, John Mortimer of Flemington, Walter Ogilvy of Uras, and James Blair and Robert Rollo, burgesses of Dundee are also identifiable as established tenants and probably represent a small proportion of those holding in fee and heritage of the earl.³³⁹ There is no reason to believe that they or their heirs and successors were any part of the earl's affinity. Some others holding of the earl - Finlay Ramsay of Banff, David Hay of Naughton and Alexander Lovell of Ballumbie - show some sign of a connexion with the earl in the 1460s, but there are no grounds for supposing that such a tie survived the passage of time, or was passed on to their heirs.³⁴⁰

If it is true that neither kinship nor tenancy were on their own normally sufficient to draw a man into the orbit of the earl of Crawford, it can reasonably be asked what determining factors did operate. With the inner circle of lairds attached to the earl there was probably something of an inherited tradition of family association with the earls of Crawford. Added to this they enjoyed a degree of material patronage - those closest to the earl were actually rewarded for their services. Outside the inner circle only the laird of Findlater - who had difficulty raising his pension - and the Lindsays of Beaufort received substantial and genuine gifts. The scale of Crawford's

339. SP, iv, 276; RMS, ii, nos. 361, 1922; SRO, GD 33/30, no. 1; GD 121/3, bundle 13 (3 July 1470); RH 6, nos. 3798, 441C.

340. Banff Chrs., 24, 28; SRO, GD 16/12, nos. 7, 8; CDS, iv, no. 1366; ER, vii, 140; RMS, ii, no. 768; see Table Ia below, p. 362.

concessions to the Lindsays of Beaufort - in particular the gift of Strathnairn, which came out of the earldom's property³⁴¹ - and that they were not reciprocated with any discernible service, want a satisfactory explanation.

The earl's ability to reward his adherents plainly had its limits, however, and more generally his patronage could not take a tangible form. His affinity had a substantially regional character, cutting across boundaries of kinship and tenancy within his chief sphere of influence, and this no doubt reflects the principal element of his lordship: his ability to protect and support men within an area bounded by the Mounth, the Tay and the Ericht. Some expression of this can be found in the fact that the earl of Angus was obliged to concede to Crawford some say in a dispute over lands in the former's regality of Kirriemuir between individuals who were not, so far as can be judged, David Lindsay's men.³⁴² Even so, some doubts have to be expressed anent the extent of Crawford's authority within this region and, more particularly, how far such authority was truly the earl's own.

The earl's regional affinity may have had greater depth than the evidence allows, but without embarking on a comprehensive investigation of the freeholders of Forfarshire, it is perfectly easy to produce the names of various lairds with whom the earl had no demonstrable contact.³⁴³ Such figures as the Scrimgeours, the

341. Lacking a text of the charter effecting the gift it is impossible to say what its terms were. An arrangement similar to that made by the 2nd earl with Sir Alexander Forbes of that ilk in 1432, which involved the keeping of Strathnairn Castle and the deputy sheriffship of Aberdeen, seems possible: A.B. Ill., iv, 393n. The gift may not have been made in fee and heritage, for the 6th earl was due to pay relief on the lordship: ER, xi, 316*.

342. Fraser, Douglas, iii, 436.

343. The large array of freeholders in Angus can be glimpsed in the membership of a few juries of inquest from the second half of the 15th cent.: SR0, GD 16/3, no. 16; GD 121/3, bundle 26 (21 May 1468), bundle 27 (30 Oct. 1490); Rylands, Crawford, box E (Walter Lindsay of Beaufort, 29 Jan. 1469); Glamis Inventory, box 5, no. 101; RMS, ii, no. 1038.

Cramonds of Aldbar, and the Erskines of Dun are merely some of the more obvious absentees from his writs. Some influence in Dundee may be suggested by the earl's association with Thomas Fotheringham of Powrie and Malcolm Guthrie of Kingennie, both of whom served as commissioners for the burgh,³⁴⁴ and this seems to be borne out by the fact that Dundee, alone of the five burghs from which the earl claimed pensions, consistently paid Crawford's annuity.³⁴⁵ Even so, the level of contact between the earl and the burgesses of Dundee seems to have been minimal. More clearly there is the inability of the earl to control his own elder son, whose capacity for independent action - notably his assault upon the abbey of Coupar and his feuds with his younger brother and Lord Glamis³⁴⁶ - can only have diluted Crawford's authority. The master of Crawford, who had managed to fall into dispute with his father and grandmother by the spring of 1490³⁴⁷ may besides have drawn to him men who otherwise would have been the earl's parttakers.³⁴⁸ All that father and son can certainly be said to have had in common was a mutual concern to prevent the overthrow of James III. in 1488.³⁴⁹

344. APS, ii, 102, 124, 137, 169.

345. See below, p. 337.

346. ADC, 29; APS, ii, 122; Rylands, Crawford, box B, no. 125.

347. ADC, 134; ADA, 143.

348. No attempt has been made to analyse the evidence provided by the master's own, fairly numerous writs. There does not seem at first glance to be much similarity between the witness-lists of the writs issued by father and son, although the presence with the master of Crawford of Master Henry Lindsay, sometime chamberlain to the earl, on at least three occasions, represents one exception to this general rule: Rylands, Crawford, box B, no. 91, box E (Alexander, master of Crawford, 7 July 1484); RMS, ii, no. 1966. On the other hand the names of Lindsay of Baikie, Dempster of Auchterless and Gavin Affleck are recorded in the list of those who were party to the master's attack upon Coupar Abbey: ADC, 29.

349. SRO, GD 16/12, no. 9 and Glamis Inventory, box II, no. 4 show the master's support for James III in 1488.

The most telling fact is that the earl's prestige and authority were substantially dependent upon royal patronage. The earl remained loyal to James III to the last, his services during the crisis of 1488 being rewarded with the creation in his favour of the first non-royal dukedom, and gifts in fee and heritage of the lordship of Kinclaven and the customs and mails of the burgh of Montrose.³⁵⁰ The king's death had immediate consequences; the earl lost the chamberlainry and the mastership of the royal household,³⁵¹ the dukedom and the associated gifts³⁵² were reduced to liferent and, most significantly for his regional influence, the earl was obliged to resign the office of sheriff of Forfar - which he had held since 1466³⁵³ - in favour of Andrew, second Lord Gray. On 29 October 1488 the earl issued a protest at this treatment, informing James IV that he resigned the office 'unwillingly, with regard to maintaining his living and inheritance, and also with regard to maintaining his kinsmen, friends and men'.³⁵⁴ Crawford's attitude to the office of sheriff seems thus to be made clear; the powers vested therein were exercised less with a view to benefitting the crown and the inhabitants of Angus than with a view to benefitting himself and his men. This was probably not an unacceptable attitude - after all, the king's authority was transmitted to the locality via the magnate and his affinity - but it does suggest that Crawford's regional authority was both partial and dependent in some degree upon the king's licence.

350. RMS, ii, no. 1725; Macdougall, James III, 256.

351. HBC, 179; RMS, ii, no. 1853.

352. Ibid., no. 1895.

353. Ibid., no. 886.

354. Rylands, Crawford, box B, no. 69; Lindsay, Lives of the Lindsays, i, 456-7.

Crawford's ability to protect and support his men probably had a great deal to do with his ability to preside over courts which supplied him with jurisdiction beyond that which his own barony courts gave. His shrieval authority gave him, for example, the power to terminate the occupation by Walter Ogilvy of Uras of lands lawfully pertaining ^{to} Thomas Ogilvy of Clova.³⁵⁵ It probably also helped to make his lordship more compelling to Affleck of that ilk and Carnegie of Kinnaird, who might not otherwise have given him bonds of manrent. In addition his powers of patronage had been extended by his ability to delegate shrieval authority to men such as Walter, Lord Innermeath, Alexander Guthrie of that ilk and Malcolm Guthrie of Kingennie. Apart from the sheriffship, royal favour had helped the earl to increase his income and had doubtless assisted him in securing local office for Fotheringham of Powrie, Guthrie of that ilk and probably Dempster of Auchterless as well. It is hard to believe that the loss of royal favour following the demise of James III was other than a major setback for the earl.

An investigation of the consequences of Crawford's loyalty to James III is hindered by the fact that almost no writs issued by the earl during the last five years of his life - he died on 26 December 1495³⁵⁶ - have been discovered. Such an investigation would in any event have to take into account the deaths of Fotheringham of Powrie, Ogilvy of Clova, and Lindsay of the Haugh, and the extent to which the second master of Crawford - the earl's surviving son, John - played a part in the management of his father's

355. SR0, GD 16/2, no. 4.

356. ER, x, 611.

affairs.³⁵⁷ However, certain relevant matters can be noted: the earl's dispute with Dempster of Auchterless, which arose before June 1493,³⁵⁸ the notably untypical witness-list of the earl's last known charter,³⁵⁹ and in particular the composition of the earl's council nominated on 8 July 1491 to arbitrate in a dispute between the laird of Dun and the burgh of Montrose.³⁶⁰

Three of the councillors - Sir Alexander Lindsay of Auchtermoonzie, Sir Alexander Guthrie of that ilk and Thomas, Lord Innermeath - are not a source of particular surprise. Another, William Meldrum, bishop of Brechin, represents a notable departure from the class of individual serving on the earl's council in 1467, but, given some evidence of a benign attitude on the earl's part towards his episcopal neighbours,³⁶¹ it is not unreasonable to suppose that the bishop owed the earl counsel.

This can hardly have been the case either with Andrew, second Lord Gray, who was notably hostile to the king during the last six years of his reign,³⁶² or with John Hepburn, prior of St Andrews, who was a kinsman of another rebel - Lord Hailes³⁶³ - and was appointed keeper of the Privy Seal by James IV soon after

357. John Lindsay, as 6th earl of Crawford, appears to have inherited at least some part of his father's affinity: a small selection of write in print shows Nicholas Fotheringham of Powrie, David Lindsay of the Haugh, Master Henry Lindsay and Sir Adam Crichton of Ruthven in his company: RMS, iii, no. 1572; iv, no. 2946; v, no. 1705; Bamff Chrs., 37-38. A charter issued by him as master of Crawford in 1493 gives no indication that this was to be the case: RMS, ii, no. 2170.

358. ADA, 175, 180.

359. See Table Ib below, p. 363.

360. Rylands, Crawford, box B, no. 77.

361. ER, ix, 577; Brech. Req., i, 196-8.

362. Macdougall, James III, 151, 155, 167, 180, 186, 238, 242, 256.

363. Ibid., 257.

his accession.³⁶⁴ That Lord Gray should have been a councillor of the earl of Crawford seems particularly odd. Not only was he an opponent of James III; but it was he who supplanted Crawford as sheriff of Forfar. He was a tenant of the earl and the son of one of the earl's pensioners,³⁶⁵ but this scarcely seems enough to redeem him, particularly as Crawford was in no doubt that losing the sheriffship to Gray would damage his interests. It may be that during his temporary return to court in 1490³⁶⁶ Crawford reached the conclusion that accepting Gray's influence was the price he had to pay in order to maintain his regional authority. It is true that Gray's son married the widow of Alexander, master of Crawford,³⁶⁷ but this, which placed lands held in conjunct fee by the master and his wife in the hands of Gray's son, might have worsened rather than improved relations between the families. However, it is not clear that the master of Crawford was yet dead in July 1491.³⁶⁸ At any rate, with the passage of three years there is at least a little less irony in Gray's being a councillor of the earl than there is in Crawford's appointment as procurators to resign the shrievalty of Forfar on 1 November 1488 of two men - Patrick Hepburn, Lord Hailes, newly created earl of Bothwell and Alexander, Lord Home³⁶⁹ - who had opposed him at Sauchieburn less than five months before.³⁷⁰

364. He appears as keeper of the Privy Seal on 25 June 1488: RMS, ii, no. 1739.

365. SP, iv, 275-6; ER, vii, 140, 215, 287.

366. RMS, ii, nos. 1929-94.

367. SP, iv, 279; ADA, 191; ADC, 227.

368. He was dead by the following March: ADC, 227.

369. Rylands, Crawford, box B, no. 69.

370. Macdougall, James III, 256-7.

CHAPTER FOUR

THE COMPOSITION OF THE MAGNATIAL AFFINITY,
II : THE FIRST EARL OF MORTON

If an examination of the affinity of the fifth earl of Crawford is taken as an experiment, then, to continue the scientific metaphor, a similar examination of the affinity of James Douglas, first earl of Morton and fourth lord of Dalkeith, can be seen as a control. In the first place there are significant similarities between these two magnates. They were as near contemporaries as one could reasonably hope - Crawford's tenure of his earldom lasted from c.1461-1495 and Morton's career as an earl spanned the years 1458-1493 - and besides, there was perhaps little more than two years' difference in their ages, Morton being the senior.¹ In addition both men took up their similarly extensive inheritances after periods during which the lineal successor had not been in possession: Crawford, in fact, was the lineal successor, and he succeeded after a straightforward minority, while Morton succeeded after a lengthy tutory caused by his father's mental illness. There is thus the possibility that both men had to develop their own affinities rather than rely on those inherited from their fathers.

Secondly, to make the experiment possible, their careers show a marked contrast: Crawford was highly 'political' whereas Morton was quite the opposite. This could be considered curious. Morton was possessed of thirteen baronies, a total matched by few,² many

1. Morton may not have attained his majority until 1458/9: see below, p. 140. He died between 22 June and 10 Sept. 1493: ADA, 182; SRO, GD 150, no. 237.

2. Ibid., no. 234; McNeill and Nicholson, Atlas, 183, where the earldom is grossly under-represented.

royal patronage, and yet he made only a handful of appearances at court.⁹ Three of these appearances, dating from the two great crises of James III's reign, do show that Morton was not apolitical; but suggest that political conditions had to be extreme to ensure his involvement.

Given this lack of political ambition, Morton's affinity, as revealed by evidence of attendance upon and service to the earl, should be what can be termed a 'conservative' following - that is lacking in alliances with his peers and in men drawn from outside a sphere of influence delimited by locality and kinship. However, before turning to parttakers revealed by this sort of simple evidence it is useful to look at the way in which the earl handled bonds of manrent and marriage - these being the principal means whereby a network of supporters could be extended beyond this kind of conservatism. In order to do this it is necessary first of all to scrutinize the circumstances which surrounded James Douglas's succession to the lordship of Dalkeith, for herein is found illumination of three of the five bonds of manrent known to have been given to the earl and also a suggestion as to the cause of his lack of interest in politics.

It is difficult to know how to interpret the handful of facts relating to James Douglas (III)'s tenure of the lordship of Dalkeith. He succeeded his father, Sir James Douglas (II), between 2 March 1439/40¹⁰ and 22 May 1441, and on the latter date was declared

9. His certain attestations of writs registered under the Great Seal during the reign of James III number five, all in Edinburgh, on 12 Aug. 1471, 15 July 1476, 16 Nov. 1482, and 20 and 23 May 1488: RMS, ii, nos. 1039, 1246, 1525 (repeated in no. 3350), 1727-8. The second instance merely shows that he had attended parliament. Doubt is cast upon other possible attestations: ibid., nos. 1241, 1246n., 1248-9, 1647n., 1650. He seems to have witnessed no charters of James IV.

10. A confirmation of this date under the Great Seal of an earlier resignation by Sir James, who can be distinguished from his son by his knighthood, makes no mention of his death: RMS, ii, no. 226.

non compos mentis by the government acting in the name of the young James II.¹¹ In view of his incapacity the Dalkeith estates were placed in the tutorship of James Gifford of Sheriffhall, or failing him his brothers John and William in turn for a term of nineteen years. The Gifford brothers were brothers-in-law of the lord of Dalkeith, who was married to their sister Elizabeth.¹²

It is unclear how effective Gifford's tutorship was, or indeed how literally this declaration of Douglas's incapacity should be taken. Douglas was apparently well enough at some period in the next fifteen months to have engaged in 'gret and perowliss strywys' with his brother Henry Douglas of Borgue over the possession of the lordship of Dalkeith, but this was no more to the taste of the government than mental illness; on 6 September 1442, with no reference to Gifford's tutorship and with the intention of preventing the dispute causing any bloodshed or destruction, the castle and lordship of Dalkeith were taken into the king's hands.¹³

There seems to be no means of knowing why Henry Douglas, as a younger son, should have had any title to the lordship, aside from a claim to the tutorship during his brother's incapacity, and yet he can be found on at least two occasions styled 'lord of Dalkeith'.¹⁴ Certainly, if he had a right to anything more than tutorship, this went unregarded when James Douglas was seized in

11. Mort. Req., ii, 207-9.

12. This seems to be a matter of deduction rather than outright statement: Douglas's wife was Elizabeth (ibid., i, p. xliv) and the two younger Gifford brothers are called the earl of Morton's maternal uncles (ibid., ii, 237).

13. SRD, RH 6, no. 307.

14. APS, ii, 60 (1 June 1445); SRD, GD 184, no. 10 (7 May 1452).

the Peeblesshire properties in 1442,¹⁵ was retoured heir to their father in the south-western parts of the patrimony on 15 July 1443 (including the superiority of Henry's own lands of Borgue)¹⁶ and when James Gifford of Sheriffhall as his attorney received sasine of the family's Fife properties on 16 August that same year.¹⁷ On the other hand Henry Douglas undoubtedly came to exercise some control over the lordship; letters of tack of certain subjects in the toun of Dalkeith were issued under both the brothers' names at an unknown date before 2 January 1451/2, whilst a charter confirmed by James on 7 May 1452 could not, it seems, be put into effect without letters authorizing sasine issued on the same day by Henry.¹⁸ Quite what is signified by this is not at once apparent. It is not unlikely that the younger brother eventually became tutor to the elder, but this may not have taken place until the early 1450s, since James was in sufficient control of his inheritance to issue a charter and its accompanying precept of sasine in March 1450/1 without any reference to Henry.¹⁹

The difficulty was probably eased by Henry Douglas's death, which took place before 17 September 1456.²⁰ There was certainly no practical doubt as to which line of the family the lordship lay with when James Douglas (III) resigned the inheritance in favour of his son and heir - also called James - on or before 27 July 1456.²¹

15. ER, ix, 657.

16. SRO, GD 150, no. 103.

17. Ibid., no. 104.

18. RMS, ii, no. 515; SRO, GD 184, no. 10.

19. Ibid., nos. 6 and 7.

20. ER, vi, 207.

21. SRO, GD 150, no. 112.

James Douglas the son was given a charter of the lordship by the king on 8 September 1456²² and between 10 September and 30 October of that year he took piecemeal sasine of most of the various elements of the estates.²³ He was not of age at this time, nor was he on 11 October 1457, by which time his father was dead,²⁴ and it is interesting that there is no suggestion that his sasines were of anything short of both fee and liferent.²⁵ Without knowing the precise date of Henry Douglas's death it is impossible to be sure, but it seems probable that he was no longer living at the time of his brother's resignation - otherwise it is doubtful whether the king would have taken the risky and strictly illegal step of placing a minor in full control of the lordship.²⁶ This does not, of course, explain the need for such a move, and the likeliest cause would seem to be the continuing or renewed incapacity of James Douglas the father.

The first clear indication that James Douglas (IV) had reached his majority is not found until 18 March 1458/9. It was only then that a brief was issued for his serving as heir to Dalkeith - a brief which, by the by, makes an apt comment on the unsatisfactory nature of James Douglas (III)'s tenure of the lordship, for James Douglas the son, by then earl of Morton, was to be served heir not to his father but to his grandfather.²⁷

22. Ibid., no. 113 (printed in Mort. Req., i, pp. xlii-xlv).

23. SRO, GD 150, nos. 114-121.

24. Ibid., no. 123.

25. This is in spite of the fact that the royal charter of the lordship of 8 September 1456 reserved liferent of all except Kilbucho and Robertson to James Douglas the father: ibid., no. 113 (printed in Mort. Req., ii, pp. xlii-xlv).

26. Craig, Jus Feudale, ii, 802.

27. SRO, GD 150, no. 127.

The terms of the briefs may have been designed to ensure that Hugh Douglas, the son and heir of Henry Douglas of Borgue, should entertain no claim to the lordship of Dalkeith. Whether or not this was so, it was apparent to the earl of Morton at least, if not to his cousin, that the claim might yet have been revived, and this seems to have prompted the making of two bonds of manrent.

The earlier of these was made at Dalkeith on 15 May 1468 in which Hugh Douglas, then styled 'of Granton', stated that he should 'nevir mak clame na folouyng to the lordship of Dalketh...excepende and outtane the landis of Moffet and of the Borg in Galway' and the earl bound himself to supply, maintain and defend Hugh in these particular lands. In addition the earl was to give Hugh and his spouse Elizabeth Gifford £10 worth of the lands of the town of Kilbucho, but only until the decease of the longer liver, whereafter it would revert to him.²⁸ This would seem to have been an agreement dictated by the earl; James Douglas (II) of Dalkeith had granted Borgue and the Moffatdale lands, namely Corhede, Granton and Moffat and its mill, to his son Henry in fee and heritage,²⁹ and if Hugh Douglas, judging from his style, was in 1468 only in possession of Granton, then it may be that Morton had delayed serving him heir in all his rightful inheritance as a means of forcing a renunciation of the claim to Dalkeith. However, the situation at this time is far from clear. The forfeiture of the Douglasses in 1455 placed those Dalkeith baronies held of the earl of Douglas as lord of Galloway, Borgue among them, at the disposal of the crown. In 1456 Borgue was in the hands of Margaret Douglas,

28. Ibid., no. 142. This Elizabeth Gifford could conceivably have been the earl's mother.

29. RMS, ii, no. 1138.

widow of Henry Douglas,³⁰ and there is no reason to doubt that in normal circumstances her son Hugh would have inherited the lands. However, Margaret was evidently covered by the general proscription of the Black Douglasses - she was sister to the eighth and ninth earls of Douglas - and at length in 1457 she forfeited Borgue to the king.³¹ Nevertheless, Borgue does not appear in the Galloway accounts after 1457 and if neither the king nor Margaret Douglas was in possession it is possible that the earl of Morton, as immediate superior, had obtained the barony. It is certainly the case that Preston, another Dalkeith barony in Galloway, was returned to the earl of Morton after a period in the king's hands, the earl taking sasine on 4 November 1458.³²

For no demonstrable reason this bond of 1468 proved inadequate. Hugh Douglas is found at Dalkeith (albeit on business unconnected with the earl) on 22 November 1468 bearing the style 'of Borgue',³³ on the face of it suggesting that Morton had fulfilled the major part of his side of the bargain quite promptly. However, it seems a little odd that Hugh should, on 3 September 1473, have secured registration under the Great Seal merely for his father's original charter of Borgue and the Moffatdale lands³⁴ if he also had a fresh

30. ER, vi, 196.

31. ER, vi, 347. Fraser, Douglas, i, 445, indicates her place in the Black Douglas family tree. Margaret Douglas was certainly not the 'lady of Dalkeith' who was raising a terce from Preston and other lands in Galloway, as is claimed in ER, vi, p. cxii. This woman was either Elizabeth Gifford, widow of James Douglas (III) of Dalkeith, or Janet Borthwick, widow of James Douglas (II): a terce was reserved to the former in 1456 and was sought by the latter in 1451/2: SRO, GD 150, no. 113 (printed in Mort. Req., i, p. xliv); SRO, GD 150, no. 109.

32. SRO, GD 150, no. 126.

33. Yester Writes, no. 139.

34. RMS, ii, no. 1138; IA, i, 2.

confirmation thereof from the earl of Morton. No doubt this gave Hugh Douglas the legal security he desired in occupying Borgue and Moffatdale, but it may also have caused the earl some disquiet. If Morton had failed, for whatever reason, to 'suple mayntein and defende' his cousin in Borgue and Moffatdale, he had now been by-passed and he may have felt that Hugh Douglas no longer had any obligation to adhere to the renunciation of the claim to Dalkeith. At all events, on 24 May 1474 the earl received another bond of manrent from Hugh Douglas of Borgue,³⁵ and three days later the same man once again renounced the claim to Dalkeith, but this time under pain of improbably massive and certainly unobtainable sums: £10,000 each to Morton and the king and another £10,000 to be distributed evenly for the repair of the cathedral churches of St Andrews, Glasgow and Dunkeld should he or his heirs act against this renunciation. On this occasion the earl made no promise anent Borgue and Moffatdale.³⁶

Such terms could scarcely brook default, and it seems that the earl had solved the problem inherent in his having nothing tangible to gain which might mark the completion of the first agreement. On the other hand, if there is little in this sequence of events to show that much affinity existed between Morton and Douglas of Borgue, there is also little evidence of later date to suggest that the bonds of manrent produced any greater mutual affection even though the earl seems genuinely to have attempted a reconciliation. It is true that the earl was prepared to grant parts of the barony of Borgue in blench ferm and

35. Mort. Reg., ii, 221-2.

36. Ibid., 222-4. It is, of course, possible that the Hugh Douglasses of 1468 and 1474 were not the same man.

conjunct infeftment to Hugh Douglas and his second wife, Christiana Seton, on 14 July 1478,³⁷ and the Moffatdale lands in blench ferm on the following 23 October to his 'beloved kinsman' William Douglas, the son and apparent heir of Hugh, following the latter's resignation.³⁸ It is also true that the earl of Morton granted ten merklands in Elvingston in fee and heritage to Hugh Douglas and Christiana Seton on 14 February 1486/7, and in doing so waived ward, marriage and relief, requiring only suit of court.³⁹ Nonetheless, Hugh Douglas's second bond included a promise to be 'man in speciale manrent and service reteneu and hushald',⁴⁰ yet there is certain evidence for only two occasions when he may have been in the earl's presence, and these were prior to the bonds: on 4 January 1463/4 (as plain 'Hugh Douglas'),⁴¹ and on 22 and 23 May 1466 (once as 'Hugh Douglas' and once, by a slip of the pen, as 'Hugh Douglas of Douglas').⁴² Distance may have played some part; Borgue was, after all, the fragment of the Dalkeith patrimony furthest away from Dalkeith itself, although it cannot be shown that Hugh Douglas was normally based there. Alternatively there may be herein an example of divided loyalty; Hugh did receive gifts of land from his father-in-law George, Lord Seton, and these, lying in Lauderdale and Longniddrie, were worth in all forty-three

37. NLS, MS 72, fos. 119v-120v.

38. Ibid., fos. 120v-121r.

39. Ibid., fo. 121r-v.

40. Mort. Req., ii, 221. Added to this, the charter of 14 July 1478 was given for services 'to be rendered' and not, as is more usual, 'rendered and to be rendered': NLS, MS 72, fo. 119v.

41. SR0, GD 150, no. 131.

42. SR0, GD 184, nos. 13, 15. He may well have been present to resign lands, receive charters, or to render suit, but for none of these need his personal attendance have been essential, or, indeed, any indication of affinity.

marks yearly.⁴³

Another source of threat to the integrity of the Dalkeith patrimony lay with the earl's half-uncle Sir William Douglas of Whittingehame, the son of Sir James Douglas (II) of Dalkeith by his second wife Janet Borthwick.⁴⁴ Sir James, seeking to ensure that his heirs by Janet Borthwick should enjoy some part of his considerable possessions, took the step of resigning to the king and obtaining conjunct infeftment for himself and his second wife of lands in Whittingehame in the constabulary of Haddington and the barony of Morton in Dumfriesshire on 13 October 1439 and 28 February 1439/40 respectively.⁴⁵ These titles were both confirmed to Janet on 7 March 1449/50 and again on 22 March 1450/1,⁴⁶ and Whittingehame alone was confirmed to Sir William Douglas on 12 January 1452/3.⁴⁷ It thus happened that when the king declared his intention of raising the new lord of Dalkeith to the dignity of earl of Morton, Janet Borthwick felt obliged to protest in parliament on 14 March 1457/8, through the offices of her brother William, Lord Borthwick, that the new title should belong to her son William.⁴⁸ The king's favour was not, however, to be so easily deflected, and the chancellor, no doubt prepared

43. RMS, ii, no. 1415; Prot. Bk. Young, no. 979. This gift may have been important, for Borge was worth only forty marks yearly (ER, vi, 196) and it is not clear that the whole barony was in Hugh's hands: cf. NLS, MS 72, fos. 119v-120v; SRD, GD 150, no. 234. There is also Hugh's curious change of style in the 1490s, when he appears as 'of Moffat': ADC, 20, 259.

44. SP., vi, 351-2.

45. RMS, ii, nos. 208, 224.

46. Ibid., nos. 325-6, 427-8.

47. Ibid., no. 595.

48. APS, ii, 78.

for such a protest, pronounced that the name of the dignity came not from the Morton in Nithsdale - a barony and castle - but from the Morton in Calderclere - a mere ferm toun.⁴⁹ This has all the appearance of chicanery, whilst begging the question as to why matters were complicated by the choice of Morton as the earldom's name when any one of a dozen baronies would have served as well. It is not even certain that Morton was the chief messuage of Calderclere. There is no doubt that the earl wished to recover Morton,⁵⁰ and, if he had the king's support for his claim, the title 'earl of Morton' may have been a tacit means of acknowledging it.

The earl was also keen to recover Whittingehame,⁵¹ but he was prevailed upon to resign his rights thereto in favour of Sir William Douglas, doing so at Stirling on 30 May 1459.⁵² There followed, on 9 October 1459, another complaint by Janet Borthwick before parliament to the effect that she had been unlawfully expelled from Morton, although by whom she did not say - or else was not recorded. She demanded restitution, and the king and parliament agreed that this was appropriate.⁵³

To attempt to identify guilty parties on such slight evidence is futile - and there was in any case a threat to Janet Borthwick's possession of a part of Morton from another source⁵⁴ - but it may be that the earl, who would have had reason to believe in 1459 that he had taken sasine of the barony⁵⁵ and perhaps assumed that a reciprocal

49. Morton in Calderclere is Nat. Grid ref. NT 072631.

50. Mort. Req., ii, 213-14.

51. Ibid.

52. RMS, ii, no. 993, (3). Sir William was confirmed therein on 1 June following: ibid., no. 703.

53. APS, ii, 79. On 7 Nov. 1459 Sir William was granted Morton following his mother's resignation, reserving free tenement: RMS, ii, no. 993, (2).

54. HMC Rep. XV, App. part viii, 37-38.

55. ER, ix, 667.

resignation had taken place, decided to take direct action to ensure his possession of the lands. Whatever the truth, the earl did at length recover Morton, but he had to wait until 12 January 1473/4 when Sir William Douglas resigned the barony in his favour in the hands of the superior, the duke of Albany.⁵⁶ The Whittingehame lands, however, held of the same superior, were not to be recovered.⁵⁷ There is no indication in this instance of an attempt to settle the dispute amicably by use of a bond of manrent, and it is appropriate that neither Sir William nor his son and heir, who had succeeded his father by 26 October 1484,⁵⁸ is ever found in the earl's company.

Another gift by Sir James Douglas (II) of Dalkeith helped in the long run to create some difficulty between Morton and his uncle and cousin, both James Gifford of Sheriffhall, father and son, and was to be a factor in the bond of manrent given by the younger James Gifford to the earl on 10 May 1482. Relations between the near neighbours - Sheriffhall lies just across the North Esk from Dalkeith⁵⁹ - were, however, of a rather different order from those between the earl and the Douglasses of Borgue and Whittingehame, and though not following an entirely smooth course are in the main manifested in a record of regular attendance and comprehensive service. Moreover, not merely the Giffords of Sheriffhall but also a quantity of their kinsmen were drawn into the earl's affinity.

56. Mort. Reg., ii, 219-21.

57. Precisely what was meant by 'the lands of Whittingehame' in all these dealings is unclear, for Morton was able to resign 'the barony of Whittingehame' in favour of his son in 1493: SR0, GD 150, no. 234.

58. ADC, 90*.

59. Sheriffhall is Nat. Grid ref. NT 320679. The caveat should be added that there is another Sheriffhall in East Lothian, Nat. grid ref. NT 563818.

It seems not unnatural that Gifford of Sheriffhall should have developed a close association with the lords of Dalkeith; not only was Sheriffhall close at hand, it was also held of the abbot and convent of Dunfermline,⁶⁰ and if, as it seems, they held no land of other superiors, then the obvious secular lord to whom they might cleave, if such they required, would have been Douglas of Dalkeith. A formal tie between the two families had existed from at least 30 September 1433 when James Gifford the elder was granted Cuil in the barony of Buittle by Sir James Douglas (II),⁶¹ and to this was added the marriage of Gifford's sister Elizabeth to Sir James's son at an unknown date.⁶² Though his tutorship of the lordship of Dalkeith may have been short-lived he was evidently constable of Dalkeith Castle when witnessing a charter of James Douglas (III) on 16 January 1442/3,⁶³ an office which he probably retained until his death.⁶⁴

He went on to witness charters of the earl of Morton at Dalkeith on 21 March 1460/1, 23 November 1465 and 22 May 1466,⁶⁵ and resignations in the earl's hands, also at Dalkeith, on 4 January 1463/4⁶⁶ and 4 May 1467.⁶⁷ This last date marks the latest certain appearance of James Gifford senior in the earl's company; that it

60. Dunfermline Registrum, 372.

61. SRO, GD 150, no. 97.

62. See above, p. 138.

63. NRA, Survey no. 888, p. 424.

64. He is described as constable or keeper of Dalkeith Castle in writs of 1452, 1456 and 1466: SRO, GD 184, nos. 13, 15, 72; GD 150, nos. 116, 118. He clearly did not have complete control of the castle during all this period, for Patrick Cockburn is found as captain of Dalkeith Castle in 1443-5, with James Gifford and his brother William jointly responsible for only the middle ward of the castle in 1443-4: ER, v, 146-7, 149-50, 182; SRO, GD 150, no. 6. The relative status of the offices of constable, captain and keeper is not apparent.

65. See Table III below, p. 370.

66. SRO, GD 150, no. 131.

67. Ibid., no. 139.

is he is confirmed by the earl's precept two days later, which was directed to 'James Gifford, son and apparent heir of James Gifford of Sheriffhall' as one of the bailies to give sasine following the resignation.⁶⁸

It cannot be said unequivocally that son had succeeded father until 1 September 1475, on which date it is clear that the brothers german of the laird of Sheriffhall were those of the younger James Gifford.⁶⁹ There is thus an eight year period of uncertain identification. However, there may be sufficient circumstantial evidence to narrow the gap by a year or so: it seems that the James Gifford of Sheriffhall who witnessed Hugh Douglas's letters of renunciation⁷⁰ and the earl's charter founding the hospital at Aberdour⁷¹ on 27 May and 9 July 1474 respectively was not coupled with John and William Gifford in being described as uncles of the earl and brothers german; he was, besides, listed behind these brothers - an unlikely position if he was the man implicitly recognized as senior member of the family in 1441.⁷²

If it is correct, therefore, to assume that it is the son who appears as James Gifford of Sheriffhall in and after 1474, there remain only two instances where a man of that name accompanying the earl of Morton cannot be identified - namely, as a witness of the sasine of the earl's elder son in the barony of Robertson, given by the earl himself on 26 July 1469,⁷³ and of a reversion made to the earl at Dalkeith on 22 August 1471.⁷⁴ The assumption thus

68. Ibid., no. 141.

69. SR0, GD 97/2, no. 26. Master William Gifford, prebendary of Dalkeith and Alexander Gifford were the younger James's brothers: Mort. Req., ii, 244-5.

70. Ibid., 224.

71. Ibid., 237.

72. That is, in being awarded the tutorship of the lordship of Dalkeith ahead of his brothers: ibid., 207-9.

73. SR0, GD 150, no. 144.

74. Mort. Req., ii, 216-17.

allows almost as complete a view as is possible of the career of the younger James Gifford of Sheriffhall as an associate of the earl of Morton.

Including the writs, mentioned above, which he witnessed in 1474, Gifford attested six of the earl's charters from that year until 1480,⁷⁵ as well as letters augmenting Dalkeith Collegiate Kirk,⁷⁶ Hugh Douglas's bond of manrent⁷⁷ and the associated renunciation,⁷⁸ and perhaps another bond of manrent given by his cousin Master Thomas Gifford, for which he certainly lent his seal and may have been the witness called simply 'James Gyfferde'.⁷⁹ All bar one of these writs were given at Dalkeith, the exception being the letters of augmentation dated at Holyrood. In addition he served as justiciar of Morton's regality of Dalkeith,⁸⁰ was nominated bailie to give sasines on three occasions between 1478 and 1482⁸¹ as well as once in 1467,⁸² before his father's death, and was appointed as one of the arbiters in the dispute between the earl and Henry Livingston of Mannerston.⁸³ He was, like his father,

75. See Table III below, p. 370.

76. Mort. Req., ii, 235.

77. Ibid., 222.

78. Ibid., 224.

79. NLS, MS 73, no. 2.

80. Mort. Req., ii, 225. A plain 'James Gifford' presided over an inquest of the regality in Jan. 1460/1, but the lack of a style makes it impossible to determine whether this was the father or the son: SR0, GD 97/2, no. 20.

81. SR0, GD 150, nos. 176, 181, 183. He acted in respect of all three precepts, two of the sasines taking place on the same day: ibid., nos. 180-1, 183.

82. Ibid., no. 141.

83. SR0, GD 150, no. 171.

constable and keeper of Dalkeith Castle, though not, it seems, for a period which would have earned him much more than three-halfpence of the office's annual remuneration of £20. So far as the evidence admits, he remained constable for only three hours, taking sasine of the office at eleven o'clock on the morning of 22 October 1478⁸⁴ and resigning the same at two o'clock that afternoon.⁸⁵

Some explanation is required for this curious reversal of the normal practice of resignation and sasine, and a convincing one is not easily come by. Though there is no suggestion that Gifford was taking up the constabulary as heir to his father, he would certainly have had a claim to the office if his father had held it in fee and heritage. If so, Gifford did not succeed directly, for if he was already seized in the constabulary there is no reason why he should have taken sasine anew only to resign the office three hours later. Evidence is certainly lacking for Gifford's having been constable before 1478. However, ruling out the possibility of Gifford's prior tenure of the constabulary explains very little. If Gifford had a legitimate claim to the office, it is not obvious why it should have lapsed, why he could not have renounced it without first taking sasine,⁸⁶ and indeed why he did not want it.

84. Ibid., no. 179.

85. Ibid., no. 178.

86. Hugh Douglas was able to renounce his claim to Dalkeith without first taking sasine, but in his case there was someone, namely the earl, already lawfully infeft in the fee to which he had a claim. This was not apparently so in the case of the constabulary of Dalkeith Castle, and some nicety of feudal law may lie herein.

Less doubt attaches to another renunciation made by James Gifford in the same document. The lands of Cuil in the barony of Buittle had ceased to be of any value to the Giffords of Sheriffhall since the fall of the Douglasses, if not earlier; Cuil along with the rest of the barony had remained in the king's hands, and was clearly not going to be recovered.⁸⁷ Gifford thus abandoned his title to the lands, but both this and his resignation of the constabulary of Dalkeith Castle were undertaken in the knowledge that he would receive some compensation; the earl had paved the way for the resignations by granting to his 'beloved kinsman' Gifford and his wife two-thirds of the lands of Whitfield in the barony of Linton in blench ferm and 'for his gratuitous services manifoldly rendered and to be rendered to us' on 30 September 1478.⁸⁸ Gifford expressed his contentment with this arrangement in letters patent issued on 1 November 1478⁸⁹ and again in a discharge given to the earl on 17 February 1478/9.⁹⁰

Despite this settlement there were evidently matters still unresolved between Morton and Gifford. In the tolbooth of Edinburgh on 26 February 1481/2 they agreed to submit to the decision of three arbiters anent all summonses and all matters of tacks and mailings which remained outstanding.⁹¹ This seems to have resulted, at Dalkeith on 10 May 1482, in an exchange of documents - letters from Morton giving Gifford the lands of Glenmoitht in the barony of Newlands,⁹² and from Gifford to the earl a bond of

87. Cuil first appears in royal accounts in 1456, and is still there in 1482; ER, vi, 191; ix, 17, 583. Buittle was recovered by the third earl: RSS, i, nos. 2835, 3733.

88. SRO, GD 150, no. 182; NLS, MS 72, fo. 122r-v.

89. SRO, GD 150, no. 182; NLS, MS 72, fos. 122r-123r.

90. SRO, GD 150, no. 184.

91. Ibid., no. 194.

92. Ibid., no. 195.

manrent,⁹³ an acknowledgement of the gift⁹⁴ and a discharge of intromissions.⁹⁵ The matters at issue here were of long standing; for Gifford as executor to his late father was giving acquittance for everything 'intromittyt wyth be the saide James earl of Mortoune or be his fader James umquhill lorde of Dalketh or be his grandschir Schir James knyght umquhill lorde of Dalketh pertenyng to my forsaide fader or to me on to the day of the makyng of this present write'. To what this refers can only be guessed, for the intromissions are described in the most general terms, but Cuil and the constabulary may well have been involved. Gifford states that he received 'full compt reknyng and payment in nomeryt mone' and this may have amounted to a considerable sum; lost revenue from Cuil, valued at £6 yearly,⁹⁶ would have totalled £162 if it had ceased to be in the Giffords' hands in 1455, and more than half as much again if actually lost in 1441,⁹⁷ while the annual rent of £20 due to the constable of Dalkeith might have been owed for up to ten years.⁹⁸

93. NLS, MS 73, no. 4 (printed in Mort. Req., ii, 245-7.)

94. SR0, GD 150, no. 195.

95. NLS, MS 73, no. 3 (printed in Mort. Req., ii, 244-5.)

96. E.g. ER, vi, 344.

97. On 14 June 1441 James Douglas (III) of Dalkeith broke his sasine of the barony of Buittle in favour of the superior, the seventh earl of Douglas: Mort. Req., ii, 210-11. Whether this was of lasting effect is uncertain, because Douglas of Dalkeith was retoured heir to his father on 15 July 1443 in, among other properties, Buittle: SR0, GD 150, no. 103. However, this may have been no more than an enumeration by rote of traditional Dalkeith possessions, since Morton was included and this was plainly not in James Douglas (III)'s hands: see above, p. 145. The last earl of Douglas does seem to have taken sasine of Buittle in 1452: ER, ix, 661.

98. This would have been the case if James Gifford the elder died in the early 1470s.

Gifford's bond of manrent is in no way separable from this financial arrangement; he says that he made the bond 'because my forsaide lord erle has gevyn to me in my grete necessite and myster a certane somme'. It may be because of this tangible aspect on the earl's side of the agreement, that Gifford's less tangible manrent was defined to some extent, and moreover backed by a penalty clause, to the effect that he would pay his lord five merks for each occasion on which he failed him.⁹⁹ Whether this clause was ever invoked is unknown, but it is clear that within a year of making the bond Gifford had demonstrated that his loyalties did not lie wholly with the earl of Morton.

On 15 December 1484 the king issued letters requiring the summoning of James Gifford to compare before parliament and answer charges that he had given treasonable assistance to the traitors Alexander, duke of Albany and Sir James Liddell of Halkerston, that he had entertained the English herald Bluemantle, that he had admitted the English into Dunbar Castle and that he had waged war against the royal authority in the field on the preceding 22 July.¹⁰⁰ Gifford's treason thus began no later than the spring of 1483 when the English occupied Dunbar Castle,¹⁰¹ but it is possible to trace his association with the Albany faction rather further back. He is found on 9 February 1473/4 acting as bailie of the duke of Albany to infeft the earl of Morton's son and apparent heir in the barony of Morton,¹⁰² and while nothing sinister need be inferred from this, the same cannot be said for his association with the Crichtons, Albany's allies.¹⁰³ Excepting the notary, he was the only non-Crichton

99. NLS, MS 73, no. 4 (printed in Mort. Req., ii, 245-7).

100. APS, ii, 173.

101. Macdougall, James III, 188.

102. SRD, GD 150, no. 156.

103. Macdougall, James III, 180, 186-7, 189, 195.

to witness a charter by William, Lord Crichton to Gavin Crichton of Mollin, his brother, in Edinburgh on 24 January 1477/8.¹⁰⁴ Later that year the witnesses of Gifford's resignation of the constabulary of Dalkeith Castle included George, another brother of Lord Crichton, and one Bartholomew Crichton,¹⁰⁵ while Morton's charter of Whitfield to him was attested by Lord Crichton himself and Gavin Crichton.¹⁰⁶ The name of none of these individuals is found in any other Morton writ. Bearing these facts in mind, it is difficult to see that Gifford's marriage to one Elizabeth Crichton was not of some significance.¹⁰⁷

Gifford's failure to appear ensured that he was found guilty, and he was thus pronounced forfeit of life, lands and goods on 26 May 1485.¹⁰⁸ However, by this time he was incapable of forfeiting Sheriffhall at least, for he had resigned the lands in favour of Thomas Todd, an Edinburgh burghess, in 1483.¹⁰⁹ Assuming that the lands were wadset or sold, this may represent a continuing lack of resources on Gifford's part - a supposition which gains strength from the charges of spuilzie levelled against him on 9 October 1483 and 28 February 1483/4,¹¹⁰ and which in the long run perhaps explains Gifford's apparent disloyalty to the earl of Morton. If Morton's patronage was no longer adequate, Gifford may have seen alignment with Albany's cause as a means of escape from financial hardship.

104. RMS, ii, no. 1439.

105. SRO, GD 150, no. 178.

106. NLS, MS 72, fo. 122r-v; SRO, GD 150, no. 182. There is no cause to believe that Sir James Douglas (II)'s resignation of Dalribble and other lands in Dumfriesshire in favour of the then lord of Crichton has any bearing upon this matter: RMS, ii, no. 226.

107. NLS, MS 72, fo. 122r-v; SRO, GD 150, no. 182. By way of further circumstantial evidence, Gifford is found acting as assignee to the heir of the late lord Crichton: ADC, 311.

108. APS, ii, 174.

109. Dunfermline Registrum, 372.

110. ADA, 117*, 137*.

Be that as it may, Gifford's forfeiture and his likely exile were of short duration, and his legal rehabilitation seems to have been preceded by his return to the earl of Morton's affinity. Gifford may have been with the earl at Dalkeith on 18 April 1488,¹¹¹ and he was certainly with Morton in Edinburgh on 22 February 1489/90 when looking after his sister's interests; on this occasion he was termed 'sometime of Sheriffhall'.¹¹² He was raising the mails of Whitfield on his son's behalf at some time before 7 February 1492/3,¹¹³ but his tenants questioned the legality of this action - something which suggests that his forfeiture had not yet been revoked. However, not long afterwards, on 10 June 1493, a plain 'James Gifford' is found being appointed by the king as one of the bailies to infeft the master of Morton in the earldom,¹¹⁴ and, at some point after the death of the first earl of Morton, Gifford contrived to recover his former property from Thomas Todd, for he was styled 'of Sheriffhall' on 26 June 1494.¹¹⁵ The date of his death is difficult to determine, for his son and apparent heir was also James Gifford, but it is possible to say that both father and son maintained ties with John Douglas, second earl of Morton.¹¹⁶

The two remaining known bonds of manrent given to the earl of Morton - those of Master Thomas Gifford and James Livingston of Mannerston - have no bearing upon the vicissitudes suffered by the Dalkeith patrimony, but in their different ways they do reflect the theme of conservatism running through the earl's career. Master

111. There is a plain James Gifford on this date: SRO, GD 150, no. 216.

112. Prot. Bk. Young, nos. 313-14. His sister Margaret was married to Nicholas Elphinstone of Selms: see below, p. 190.

113. ADC, 275.

114. SRO, GD 150, no. 234.

115. ADC, 340.

116. RMS, iii, no. 1886, v, no. 176; Prot. Bk. Young, no. 1442.

Thomas Gifford was a kinsman of the earl, and moreover a first cousin¹¹⁷ who dwelt in Dalkeith.¹¹⁸ Livingston was a tenant in the barony of Linton, as had been his father, grandfather and great-grandfather before him, and his bond was given by way of settling a difference with the earl.¹¹⁹

Master Thomas Gifford's bond, given on 9 April 1477,¹²⁰ is perhaps the purest of all those given to the earl, for although it was coupled with a gift of land, it did not involve the settlement of any disagreement, and in contrast to James Gifford's - the only other bond to reflect an apparently successful lord-man relationship - it came at the start of his association with the earl. However, it should not be ignored that Master Thomas's service to the earl had a precedent. His father, William, a brother of James Gifford of Sheriffhall and thus another maternal uncle of the earl of Morton, was the constable of Aberdour Castle,¹²¹ perhaps having a rôle in the administration of the earl's other Fife properties,¹²² and, though dwelling in Aberdour,¹²³ managed to attend the earl in Dalkeith on a number of occasions. William Gifford is known to have witnessed seven of the earl's charters - six in Dalkeith and one in Edinburgh - the last occasion being in 1480,¹²⁴ along with

117. He was a son of William Gifford, the earl's uncle: SR0, GD 150, no. 171.

118. Ibid., no. 181.

119. Livingston may also have been related to the earl, for there are William and Henry Livingston, witnesses of a charter of Sir James Douglas (II) in 1433, described as nepotibus of the grantor: GD 150, no. 97. They would seem to have been nephews rather than grandsons - the sons of his sister by John Livingston of Callendar: Grant, 'The Higher Scottish Nobility', 332.

120. NLS, MS 73, no. 2.

121. SR0, GD 150, no. 115.

122. See below, fns. 127-8, 130.

123. SR0, GD 150, no. 192.

124. See Table III below, p. 370.

Hugh Douglas's manrent and renunciation in 1474.¹²⁵ He witnessed his nephew's sasine in Dalkeith¹²⁶ and asked the instrument of his sasine of the Fife properties,¹²⁷ both in September 1456. On 12 June 1459 he was one of two attorneys receiving conjunct infeftment of the Balbartons in Fife on behalf of the earl and his wife,¹²⁸ and on 30 August 1469 he was appointed as one of the bailies to deliver sasine of Hawthornsyke in the constabulary of Linlithgow to the earl's son and apparent heir.¹²⁹ He is last found lending his seal to the bailie of the abbot of Inchcolm so that the earl might be seized in the nether mill of Aberdour on 14 April 1481.¹³⁰ At an unknown date he seems to have taken his loyalty to extremes, if Morton's word is to be accepted, by conniving at the destruction of charters pertaining to his elder son, David.¹³¹

The earl's attorney taking sasine of the nether mill of Aberdour in 1481 was Master Thomas Gifford.¹³² Until that point, and since giving the earl his bond of manrent, Master Thomas had witnessed four of the earl's charters - one in Edinburgh and three at Dalkeith¹³³ - as well as the letters of augmentation of Dalkeith Collegiate Kirk, given at Holyrood,¹³⁴ the earl's agreement with

125. Mort. Req., ii, 222, 224.

126. SRO, GD 150, no. 114.

127. Ibid., no. 115.

128. Ibid., no. 128.

129. Ibid., no. 145.

130. Ibid., no. 192. He had previously, on 22 July 1474, put his seal to the abbot of Inchcolm's instrument upon the foundation of Aberdour Hospital by the earl: Mort. Req., ii, 238.

131. ADA, 182.

132. SRO, GD 150, no. 192.

133. See Table III below, p. 370.

134. SRO, GD 150, no. 171.

Henry Livingston of Mannerston and James Gifford's resignation of the constabulary of Dalkeith Castle.¹³⁵ He had also been appointed as an arbiter between Morton and Henry Livingston¹³⁶ and as a bailie to infeft James Gifford in the constabulary,¹³⁷ both of which functions he duly performed.¹³⁸ The earl recognized Master Thomas's efforts by granting him portions of land in the toun of Dalkeith in August 1478¹³⁹ to add both to land which he already held there¹⁴⁰ and to the half lands of Carlops which had fallen to the earl by reason of ward, and for possession of which Gifford had given his manrent, to last so long as he held the lands.¹⁴¹

Master Thomas went on to witness two other Morton writs - the letters granting Glenmoitht to James Gifford of Sheriffhall on 10 May 1482 and a charter given at Dalkeith on 31 July 1483¹⁴² - but soon thereafter his close association with the earl comes to an end.¹⁴³ It was not death which brought this about, for Gifford was alive on 18 April 1488 acting as attorney for his son.¹⁴⁴ The only obvious explanation is that the half lands of Carlops had ceased to be in ward, and that Master Thomas had consequently lost the lands, thus no longer regarding himself as bound in manrent. Manrent may indeed have been the important factor in Gifford's relations with the earl, because his dealings with Morton prior to the date of the bond

135. Ibid., 178.

136. Ibid., 171.

137. Ibid., 177.

138. Ibid., 172, 179.

139. Ibid., 175.

140. This is implied by his being described as an indweller of the toun of Dalkeith before his sasine: ibid., no. 181.

141. NLS, MS 73, no. 2.

142. SR0, GD 150, no. 195; see Table below, p.

143. He also witnessed a sasine in Dalkeith on 6 October 1482: SR0, RH 6, no. 503.

144. SR0, GD 150, no. 216.

were limited: he took sasine of the barony of Morton as attorney for the earl's son and apparent heir on 9 February 1473/4¹⁴⁵ and gave the earl's attorney sasine of lands in Biggar as bailie to Lord Fleming on 18 July 1476.¹⁴⁶ Nonetheless, there is no cause to believe that relations between Morton and Master Thomas Gifford were less cordial after 1483, even though ties may have been slackened; the earl was happy to grant lands in the town of Dalkeith to John Gifford, Master Thomas's eldest son, most of which had not been held by Master Thomas himself.¹⁴⁷

As to James Livingston of Mannerston, most of whose lands were held of Lord Lindsay of Byres,¹⁴⁸ the first notice that his forbears were tenants of the lords of Dalkeith comes in a charter of Sir James Douglas (II), dated 20 December 1420, whereby Henry Livingston, son and apparent heir of Henry Livingston of Mannerston, was granted the half lands of Blyth in the barony of Linton following his father's resignation.¹⁴⁹ Henry Livingston the elder went on to witness a charter of the same lord of Dalkeith two years later,¹⁵⁰ but subsequent indication of contact between the Livingstons of Mannerston and the Douglasses of Dalkeith is wanting until the later 1470s,¹⁵¹ when a disagreement arose.

This dispute concerned a later Henry Livingston of Mannerston - not the younger Henry Livingston of 1420, but the younger son of that Henry's brother John¹⁵² - whose sasine as heir to the half lands of Blyth had been directed by the earl's precept of 1 February

145. SR0, GD 150, no. 156.

146. Ibid., no. 167.

147. Ibid., nos. 181, 214.

148. Binns Papers, nos. 7, 9-12.

149. SR0, GD 150, no. 91.

150. SR0, RH 6, no. 255.

151. Excepting a charter of 1424 confirming Henry Livingston's charter to his son: SR0, GD 150, no. 94.

152. This descent can be deduced from Binns Papers, nos. 7, 9-16; SR0, GD 150, no. 131.

1463/4.¹⁵³ What prompted the dispute to emerge over ten years later is not apparent, but it is clear enough that it concerned the type of tenure involved and the boundaries of the lands. Livingston's co-portioner in Blyth, with whom he also fell into dispute, was John Martin of Midhope,¹⁵⁴ and on 7 November 1475 the pair of them submitted a joint protest that an assize had refused to pronounce a decision following a perambulation of the bounds of the baronies of Linton and Newlands.¹⁵⁵ Any response to this is unknown, but the following year saw both men fined in the earl's justice ayre at Dalkeith on 23 July for failing to bring a suitor with them when rendering personal suit.¹⁵⁶ This may have been wilful omission, or it may have been simple ignorance of what they owed for holding Blyth¹⁵⁷ - it may indeed have been unrelated to any other issues - but it does seem that Livingston at least was at odds with the earl over the terms of his tenure. Livingston and the earl agreed on 19 October 1477 to place their differences before arbiters,¹⁵⁸ one controversy lying in Livingston's claim to tenure free of casualty, and another in his claim that Blyth Muir, or part of it, was within the boundaries of his property. By 23 January 1477/8 the arbiters - all three of whom were close associates of the earl¹⁵⁹ - had found no substance in either of

153. Ibid., no. 132.

154. ADA, 80.

155. SRO, GD 150, no. 160.

156. Mort. Req., ii, 224-6.

157. The matter of rendering suit and presence is discussed in Sir P.J. Hamilton-Grierson, 'The Suitors of the Sheriff Court', SHR, xiv (1917), 1-16 and its application to barony and regality courts is noted in I.D. Willock, The Origins and Development of the Jury in Scotland, (Stair Society, 1966), 75, 84.

158. SRO, GD 150, no. 171.

159. James Gifford of Sheriffhall, Master Alexander Gifford, parson of Newlands and Master Thomas Gifford

Livingston's claims; they asserted that he held his half lands of Blyth of the earl by ward and relief, and that Blyth Muir was common land.¹⁶⁰ With this decision made Livingston proceeded to resolve his dispute with Martin of Midhope anent the precise division of Blyth,¹⁶¹ and besides to demonstrate his litigiousness in other matters,¹⁶² but he was evidently not satisfied with the arbiters' findings. He eventually managed to produce sufficient evidence before the Lords of Council, not only for himself but also on behalf of Elizabeth Martin, heiress of Midhope, to whom he was tutor, for them to judge on 18 April 1485 that Blyth should not be held by ward, relief and marriage: on the contrary, it was to be held in feu-ferm for a pair of gilt spurs or twelve pence sterling.¹⁶³ Morton, who had compeared personally, had no wish to be told this, and demonstrated his pique after hearing the bad news. On the same day that the Lords of Council gave their ruling James Livingston, son and apparent heir of Henry, appeared at the gates of Dalkeith Castle as attorney for Elizabeth Martin, bearing a precept under the Great Seal which required the earl to give Elizabeth sasine in her lands. The earl's men refused to allow James inside.¹⁶⁴

Henry Livingston procured this decision at an opportune time, for he was dead within six months of the judgement.¹⁶⁵ James Livingston, his son and heir, thus avoided relief on the half lands of Blyth and also enjoyed a somewhat antique feu-ferm assessment. It is to James that the earl is first found admitting defeat in the matter of casualty, and in addition he

160. SRO, GD 150, no. 172.

161. Ibid., nos. 173, 187a & b, 189.

162. ADC, 18, 36, 72, 84*, 103*, 111*, 116*, 131*, 141*.

163. ADC, 117*.

164. Binns Papers, no. 18; HMC Rep. ix, App., 234, no. 16.

165. Prot. Bk. Young, no. 19.

freed him from suit of court: Morton specifically waived these feudal requirements and for this he obtained Livingston's bond of manrent on 2 November 1486.¹⁶⁶ This probably seemed the best option for the earl in the circumstances, but it is not apparent that James Livingston thereafter was any more interested in serving Morton than his father had been.

Morton's use of the bond of manrent thus shows little sign of any attempt to extend his affinity - rather does it smack for the most part of an attempt to repair damage. What the earl succeeded in doing was patching up quarrels with three individuals, two of whom - Douglas of Borgue and Livingston of Mannerston - were not and did not become his close associates, and a third - Gifford of Sheriffhall - who was already his man. Behind all this was the earl's concern to defend his resources: fending off a claim to his lordship and resisting for over twenty years the admission that Buittle was lost and that Blyth was not held by ward. Master Thomas Gifford's bond, the one exception, does seem to have brought an additional active parttaker to the earl, but set in its wider context its effect was merely to strengthen ties with a family whose association with Morton is comprehensively attested.

The earl's handling of marriage, the other main method of extending a network of supporters, may show traces of a rather more radical approach, but even here there are in one instance patent signs that the integrity of his inheritance was the prime mover and in another the possibility that inferences to the same effect can be drawn.

166. SR0, GD 150, no. 209. This was an heritable bond, something which suggests some sincerity on both sides. It may at length have had some effect: see below, p. 211.

Of the earl's own marriage to Joanna Stewart, James III's aunt, it can simply be said that it produced no signal affinity between Morton and the royal house - although looked at from the opposite direction, it could equally be said that it prevented signal hostility.¹⁶⁷ His use of his elder son in the marriage market, however, had a less neutral aspect. On 30 June 1466 Morton made his one sortie into politics by drawing up a marriage contract with members of the Kennedy faction, which was then holding sway during the minority of James III. The contract was with Patrick Graham, bishop of St Andrews, the bishop's father Robert Graham of Fintry and Robert's son and apparent heir David, and it intended the marriage of David Graham's daughter to the earl's elder son John.¹⁶⁸ Though the contract placed Morton in the complex world of minority politics¹⁶⁹ it is clear that this was not his chief desire; what he required was the Grahams' support in his causes, and specifically in his recovery of Whittingehame, Morton, Kingscavil and Buittle.¹⁷⁰ The marriage never took place - probably because the Kennedy faction lost power in the Boyd coup only nine days later, and so lost the influence that might have rendered the Grahams' assistance useful to Morton.¹⁷¹

The master of Morton's eventual bride was one Janet Crichton, but the marriage is not documented.¹⁷² Her father is said to have been Patrick Crichton of Cranston-Riddell, though on what evidence is not apparent.¹⁷³ However, it is at least of interest that she should have been a Crichton, and married to a man who had clear

167. See above, pp. 136-7.

168. Mort. Req., ii, 213-4.

169. Macdougall, James III, 83.

170. Mort. Req., ii, 213-14.

171. Macdougall, James III, 71-2, 83.

172. RMS, ii, no. 3066.

173. SP, vi, 358.

leanings towards the Albany cause during the crisis of 1482-3.¹⁷⁴

It is unwise to build an edifice of supposition upon this one piece of evidence, but since Morton was keen to recover Whittingehame he may have felt that a marriage into the camp of the superior of the lands - the duke of Albany - was one way of moving closer to his goal. If this was so, he did not succeed, and instead saw his son brought close to treason and stripped of the shrievalty of Edinburgh.¹⁷⁵

It is unlikely that Morton would have intended that his son's marriage should have resulted in any perilous alignment - the earl himself was inactive, so far as can be discerned, during Albany's reappearance in Scotland¹⁷⁶ - and if the master did marry into that body of Crichtons who backed the duke it was, most probably, a miscalculation on his father's part. It may be that a similar miscalculation resulted in the marriage of Morton's daughter Joanna (or Janet) to Patrick Hepburn of Dunsyre.¹⁷⁷ Hepburn, later Lord Hailes, was not one of the Lauder Brig conspirators, for at that time he was stoutly defending Berwick Castle against the English army,¹⁷⁸ but he was one of those who stood against James III in 1488, being made earl of Bothwell by James IV for his trouble.¹⁷⁹ Morton, in contrast, may have stirred himself to support the king on this

174. Macdougall, James III, 180, 187.

175. APS, Index and Supplement, 33. It has to be said that Crichton is not known as an ally of Albany's until 1482-3, by which time Sir John Douglas may well have already married.

176. Macdougall, James III, 187.

177. SP, ii, 152, vi, 356; RMS, ii, no. 1459.

178. Macdougall, James III, 155, 162.

179. Ibid., 238, 242, 256. APS, ii, 206; RMS, ii, no. 1784.

occasion,¹⁸⁰ and would thus have found himself in opposition to his son-in-law, who, it may be said, is found neither as a witness of any of the earl's writs nor as a grantee of the earl. It would be useful to discover what Morton attempted by way of marriage for his other offspring, James and Elizabeth,¹⁸¹ but no spouses of theirs have been identified.

Manrent and marriage thus yielded few parttakers for the earl, and it might reasonably be asked whence the bulk of his affinity was drawn. The answer lies partly with his blood kinsmen, some of which have already been discussed, and of these two uncles - James Gifford the elder of Sheriffhall and William Gifford and their sons - appear as plausible parttakers by dint of their records of service and attendance.¹⁸²

Similar evidence requires the inclusion of others, of which there are to be found none more closely related to the earl than his own sons, John and James. It might be considered superfluous to consider Morton's own offspring on the grounds that their support would be guaranteed. However, it is notable that the earl of Crawford's sons are never found as witnesses of his writs, and further that the master of Crawford showed a taste for independence, and his brother a taste for fratricide by the side of which the master of Morton's brief dalliance with the Albany cause pales a little.¹⁸³ In contrast, Morton's son and apparent heir witnessed eleven of his father's charters from 1474 onward - all at Dalkeith¹⁸⁴ - and was with his father for Hugh Douglas's manrent and renunciation,¹⁸⁵

180. Macdougall, James III, 254, 256.

181. For James see below, p. 167. The existence of Elizabeth is revealed in Mort. Reg., ii, 239.

182. See above, pp. 148-56, 157-60.

183. See above, pp. 100, 130.

184. See Table III below, p. 370.

185. Mort. Reg., ii, 221, 224.

the augmentation of the Collegiate Kirk of Dalkeith, given at Holyrood,¹⁸⁶ the meeting in St Giles of the arbiters of the dispute with Henry Livingston in 1477,¹⁸⁷ and James Gifford's sasine of the constabulary in 1478.¹⁸⁸ On 18 April 1488 he acted as his father's bailie to infeft John Gifford, son of Master Thomas, in lands in the town of Dalkeith.¹⁸⁹ John Douglas is found styled 'master of Morton' in 1474,¹⁹⁰ by which time he had been knighted,¹⁹¹ but in spite of this the earldom is not known to have been entailed to him.¹⁹² He was, however, given Roberton in Lanarkshire, by which he was styled for a time, and Hawthornsyke by his father in 1469,¹⁹³ and it was he rather than the earl who took sasine of Morton on 9 February 1473/4 after Sir William Douglas's resignation.¹⁹⁴

James Douglas attended his father yet more regularly than his brother; he witnessed fourteen of the earl's charters¹⁹⁵ and was with his father on the same four additional occasions as his brother¹⁹⁶ as well as on 18 October 1486 when witnessing a resignation in the earl's hands.¹⁹⁷ Unlike brother John he appears to have received no gifts from the earl - Morton being perhaps chary of creating problems akin to those resulting from his grandfather's distribution of estates.

186. Ibid., 234.

187. SR0, GD 150, no. 171.

188. Ibid., no. 179.

189. Ibid., no. 216.

190. Mort. Req., ii, 237.

191. Ibid., 221.

192. His father resigned the fee of the earldom in his favour in 1493, but it was only after the earl's death that John took sasine: SR0, GD 150, nos. 232, 234, 237.

193. Ibid., nos. 144-5.

194. Ibid., no. 156. However, in at least parts of the earldom he clearly had more authority than these conveyances reveal; he gave instructions to the serjeant of Linton in 1480 and commanded the holding of an inquest in Dalkeith in 1482: ADC, 56; SR0, RH 6, no. 50.

195. See Table III below, p. 370.

196. See above, nn. 185-8.

197. SR0, GD 150, no. 207.

Less closely related, but certainly of importance to the earl were other members of the Gifford family. Senior among those not previously mentioned was the earl's third maternal uncle John Gifford, who witnessed three of his nephew's sasines in September 1456¹⁹⁸ and went on to witness in Dalkeith four of Morton's charters¹⁹⁹ and four writs made to the earl²⁰⁰ between 1460/1 and 1474, disappearing from record after this date. In the next generation were the brothers of the younger James Gifford of Sheriffhall - Master William, Alexander (commonly 'Sanderis') and Patrick.²⁰¹

Master William Gifford in particular was a regular associate of Morton's, witnessing nine of his charters,²⁰² Hugh Douglas's renunciation,²⁰³ the bonds of manrent given by Master Thomas Gifford²⁰⁴ and James Gifford of Sheriffhall²⁰⁵ and the augmentation of Dalkeith Collegiate Kirk.²⁰⁶ All but the last-named of these writs were made in Dalkeith. The latest of the documents is from 1488,²⁰⁷ but Master William's association with the earl persisted thereafter for he was one of the bailies appointed on 10 June 1493 to give sasine of the earldom to the master of Morton following the earl's resignation.²⁰⁸ He is subsequently found in the company of John Douglas after the latter had become second earl of Morton.²⁰⁹ Master William's services were rewarded by the earl with a benefice:

198. Ibid., nos. 116-18.

199. See Table III below, p. 370.

200. SR0, GD 150, no. 131; GD 184, no. 15; Mort. Req., ii, 217, 224.

201. They are so listed in James's bond of manrent: ibid., 247.

202. See Table III below, p. 370.

203. Mort. Req., ii, 224.

204. NLS, MS 73, no. 2.

205. Mort. Req., ii, 247.

206. Ibid., 235.

207. See Table III below, p. 370.

208. SR0, GD 150, no. 234.

209. RMS, iii, no. 1886.

he appears as a prebendary of the collegiate kirk of Dalkeith in 1475,²¹⁰ and at length, in 1486, his prebend is revealed as that of Spitalhaugh in Linton.²¹¹ Alexander Gifford, squire and the earl's 'beloved kinsman' was accepted as attorney in letters of chancery of 31 January 1473/4 to take sasine of Morton for the earl's son and apparent heir,²¹² and was appointed bailie by Morton on 13 October 1478 to infeft James Gifford of Sheriffhall in the constabulary of Dalkeith Castle,²¹³ though he acted on neither occasion.²¹⁴ In addition he is found as a witness of six of Morton's charters, all given at Dalkeith,²¹⁵ and was in the earl's presence on perhaps three further recorded occasions - twice at Dalkeith²¹⁶ and once at Roberton.²¹⁷ These nine instances fall between 1469 and 1482, and it is notable that the series should end shortly before his brother James's treasonable activities commenced. Furthermore, his record of attending the earl includes only one occasion when James Gifford of Sheriffhall was not also present,²¹⁸ offering the possibility that he was less Morton's man than his own brother's. This applies still more in the case of Patrick, who is found with the earl on only two occasions, both connected with his eldest brother, in 1477²¹⁹ and 1482,²²⁰ and who was at Sheriffhall with James Gifford on 1 November 1478²²¹ and the following 17 February.²²²

210. SRO, GD 97/2, no. 26.

211. SRO, GD 150, no. 208.

212. Ibid., no. 155.

213. Ibid., no. 177.

214. Ibid., nos. 156, 179.

215. See Table II below, p. 370.

216. Mort. Req., ii, 224, 247.

217. SRO, GD 150, no. 144.

218. NLS, MS 72, fos. 118v-119v.

219. NLS, MS 73, no. 2.

220. Mort. Req., ii, 244-7; SRO, GD 150, no. 195.

221. Ibid., no. 182.

222. Ibid., no. 184.

Also dubious in the extent of his attachment to Morton, and of the same generation as the four sons of the elder James Gifford of Sheriffhall, was David Gifford, brother of Master Thomas and son of William. Described as the earl's 'beloved kinsman' he was appointed bailie to give sasine of lands in the toun of Aberdour by a precept of 17 July 1485,²²³ and it may be that he, like his father, was based in Aberdour for he certainly had land there in tack of the earl.²²⁴ He is not known to have been with Morton on any other occasion, but he did witness the earl's sasine by attorney of his lands in the barony of Biggar on 18 July 1476.²²⁵ However, relations between Morton and David Gifford were soured by the earl's withholding from him of charters giving title to certain lands - most likely in Aberdour, and perhaps due to be inherited from his father. Gifford raised the matter before the Lords of Council on 1 March 1489/90,²²⁶ and it was not until 22 June 1493 that the case was settled, when Morton confessed that he had destroyed the writs, alleging that he had done so with the consent of David's father.²²⁷

The member of the Gifford kindred who may have spent most time in Morton's company was one whose kinship to the earl, though stated, is not defined.²²⁸ This was Master Alexander Gifford, who at the very least witnessed nine of Morton's charters between 1478 and 1488²²⁹ - one in Edinburgh and the rest in Dalkeith - as well as the new erection of Dalkeith Collegiate Kirk in 1477,²³⁰ Gifford

223. Ibid., no. 204.

224. Mort. Req., ii, 242.

225. SRO, GD 150, no. 167.

226. ADC, 136-7.

227. ADA, 182. There were continuations of the case in the intervening period: ADA, 164, 168; ADC, 295.

228. SRO, GD 150, no. 201.

229. See Table III below, p. 370.

230. Mort. Req., ii, 235.

of Sheriffhall's sasine and resignation in 1478²³¹ and the gift to and acknowledgment thereof by the same man in 1482,²³² and Livingston of Mannerston's manrent in 1486.²³³ He was also one of the arbiters between Morton and Henry Livingston of Mannerston appointed in 1477.²³⁴ This is the least extent of his association with the earl because it is highly likely, if difficult to prove, that he attended the earl before this period. From 1475 he is found as parson of Newlands,²³⁵ retaining this benefice while acquiring and relinquishing the parsonages of Melville,²³⁶ Pentland²³⁷ and Ruthven²³⁸ and then becoming dean of Dunbar Collegiate Kirk.²³⁹ There is thus no problem of identification here, and his tenure of the parsonage of Newlands shows him to have been a beneficiary of Morton's patronage.²⁴⁰ However, there is no means of identifying the parson of Newlands with the Master Alexander Gifford, parson of Biggar, who witnessed four writs in the earl's presence in 1474,²⁴¹ or the provost of Dalkeith bearing the same name and witnessing five writs connected with Morton in the 1460s.²⁴² Added to this, acceptance of the

231. SRO, GD 150, nos. 178-9.

232. Ibid., no. 195.

233. Ibid., no. 209.

234. Ibid., no. 171.

235. Cal. Papal Letters, xiii, 470.

236. Mort. Req., ii, 239.

237. SRO, GD 150, no. 208.

238. ADC, 88.

239. Ibid.; SRO, GD 150, no. 214. He had a dispensation to hold one benefice in addition to Newlands: Cal. Papal Letters, xiii, 470.

240. Cowan, Parishes, 156.

241. Mort. Req., ii, 220, 222, 224, 237.

242. SRO, GD 150, nos. 131, 144-5; GD 184, no. 15. See Table III below, p. 370.

identification implies a puzzling unevenness in Gifford's career: his leaving a provostry to which the earl had presented him to become a parson by Lord Fleming's patronage,²⁴³ then returning to a parsonage in the gift of the earl of Morton, and eventually once again presiding over a collegiate kirk.

Master Alexander had a brother, James, but he is found connected with the earl over only a short period: as a witness of the decret arbitral upon the dispute between Morton and Livingston of Mannerston on 23 January 1477/8,²⁴⁴ of James Gifford of Sheriffhall's sasine on the following 22 October,²⁴⁵ and possibly of a charter of the earl's on the day after this.²⁴⁶

Of those bearing the surname Douglas found with the earl there remain two certain kinsmen — the brothers of Hugh Douglas of Borgue, John and Master James. The latter, at least, seems to have developed a closer association with the earl than did his brother Hugh; there is a strong likelihood that the earl had presented him to a prebend of Dalkeith by 22 November 1468,²⁴⁷ and though little need be inferred from his witnessing either Hugh Douglas's manrent and renunciation in 1474²⁴⁸ or the same man's charter from the earl in 1478,²⁴⁹ he remained in Morton's orbit to witness gifts to Aberdour Hospital and Inchcolm in 1479 and 1480.²⁵⁰ John Douglas, on the other hand, may have been with the earl only for Hugh's manrent and renunciation,²⁵¹ although if he can be identified with

243. Wigtown Charter Chest, nos. 409, 416-17.

244. SRO, GD 150, no. 172.

245. Ibid., no. 179.

246. See Table III below, p. 370.

247. Yester Writs, no. 139.

248. Mort. Req., ii, 222, 224.

249. NLS, MS 72, fos. 119v-120v.

250. See Table III below, p. 370.

251. Mort. Req., ii, 222, 224.

the burgesse of Edinburgh to whom the laird of Dundas sold half of Barnton on 23 May 1477,²⁵² he would also have witnessed the meeting of the arbiters between Morton and Livingston of Mannerston in St. Giles on the following 4 December.²⁵³

The relationship to the earl of others of his kinsmen and associates is rather more obscure, and possibly quite distant. It is clear enough, however, that three - William Borthwick, Mark Dunbar and Archibald Todrick - were among those most regularly in attendance upon the earl. Borthwick, who had a tenement in Dalkeith,²⁵⁴ appears as one of the earl's servants who debarred James Livingston from entering Dalkeith Castle on 18 May 1485.²⁵⁵ To add to this concrete instance of service to his lord, he is known to have witnessed six of Morton's charters²⁵⁶ and five other writs concerning the earl²⁵⁷ between 1483 and 1492, all of which were given in Dalkeith. He is described as a kinsman of the earl in charters of 1483, 1484 and 1486,²⁵⁸ though on what grounds remains unknown. It is dubious whether any kinship between Borthwick and Morton's step-grandmother would render Borthwick a kinsman of the earl. Mark Dunbar is termed a kinsman of the earl in the same charters as William Borthwick,²⁵⁹ and the reason for this description is similarly unclear. From his name it is possible that he was a descendant of the earl's great-grandmother.²⁶⁰ It is clear, however, that he witnessed a strangely isolated resignation in Morton's hands in 1466²⁶¹ followed by five of the

252. RMS, ii, no. 1294.

253. SRO, GD 150, no. 171.

254. SRO, RH6, no. 503.

255. Binns Papers, no. 18; HMC Rep. ix, App., 234, no. 16.

256. See Table III below, p. 370.

257. SRO, GD 150, nos. 195, 207, 226; GD 184, nos. 18, 21.

258. Ibid., no. 19; GD 150, nos. 201, 208.

259. Ibid.

260. SP, vi, 348.

261. SRO, GD 184, no. 15.

earl's charters²⁶² and four sasines following grants by the earl - all in Dalkeith - between 1474 and 1488.²⁶³ He too held land in Dalkeith, but it is not known whether he retained any property there after selling four acres to Morton before 9 July 1474.²⁶⁴ The association of Archibald Todrick, a burghess of Edinburgh, with Morton commenced rather earlier; from 1461 until 1488 he witnessed three of the earl's charters,²⁶⁵ as well as Hugh Douglas's manrent and renunciation,²⁶⁶ the augmentation of Dalkeith Collegiate Kirk,²⁶⁷ and both the agreement by Morton and Livingston of Mannerston to submit to arbitration and the meeting of the arbiters.²⁶⁸ He was also one of three procurators nominated by the master of Aberdour Hospital to resign his rights in the hospital in the earl's hands,²⁶⁹ although he did not in fact act.²⁷⁰ On 15(?) October 1470 the earl granted Todrick six merklands,²⁷¹ probably in Elvingston,²⁷² but not obviously under particularly favourable terms of tenure. The gift was a new one, for the lands had been resigned by Patrick Graham. Todrick's kinship to the earl is not revealed until 1488,²⁷³ and how they were related cannot be discerned, although there is circumstantial evidence to suggest that he enjoyed some sort of connexion with the Giffords.²⁷⁴

262. See Table III below, p. 370.

263. SRD, GD 150, nos. 178, 180-1, 216.

264. Mort. Req., ii, 237.

265. See Table II below, p. 370.

266. Mort. Req., ii, 222, 224.

267. Ibid., 235.

268. SRD, GD 150, no. 171.

269. Ibid., no. 206.

270. Ibid., no. 207.

271. NLS, MS 72, fo. 18v.

272. ADA, 19.

273. SRD, GD 150, no. 214.

274. Master William Gifford made a donation to Dalkeith Collegiate Kirk in 1504 for the soul of Todrick's son William: RMS, ii, no. 2789.

His younger son John had a twenty-shilling annual rent from the earl, which seems to have lapsed for some ten years before Morton settled up by paying a lump sum in 1492.²⁷⁵

Two other families that were kin to the earl of Morton and enjoyed the additional tie of tenancy can be mentioned here, although it is not apparent that either spent a great deal of time in the earl's company. These were the Grahams of Cairnmuir and the Browns of Hartree, neither of which seem to have been closely related to the earl, and both of which were established tenants before the fourth lord of Dalkeith took up his inheritance. Patrick Graham, the second son of Sir William Graham by his second wife, Mary Stewart, countess of Angus, acquired Linton Shiels in Cairnmuir in the barony of Linton from the second lord of Dalkeith on 20 June 1423.²⁷⁶ He was still tenant therein on 9 March 1460/1 when he exchanged the lands, reserving free tenement, for certain properties in Dunbartonshire belonging to his brother, Sir Walter Graham of Wallacetown.²⁷⁷ Describing each of the brothers as his 'beloved kinsman', Morton confirmed the excambium on 21 March 1460/1, whilst reserving ward, relief and marriage.²⁷⁸ Thereafter the earl seems to have had contact with neither brother.

Richard Brown acquired Hartree in the barony of Kilbucho from the second lord of Dalkeith on 15 June 1434. The gift, made for 'homage and service', with the lands being held for ward, relief and suit of court at both Dalkeith and Kilbucho, was perhaps not unconnected with Brown's marriage to Elizabeth Tweedie, Sir James Douglas's grand-daughter.²⁷⁹ John, son of Richard Brown, inherited

275. SRO, GD 150, no. 228. Todrick's two sons witnessed a sasine in Dalkeith in 1488: Ibid., no. 216.

276. SRO, GD 120/1, no. 1.

277. Ibid., no. 2. Patrick did not therefore die young: cf. SP, vi, 219.

278. SRO, GD 120/1, no. 2.

279. RMS, ii, no. 228.

Hartree in 1438²⁸⁰ and was in turn succeeded by his own son, William, in 1466 or 1467.²⁸¹ William, to whom the third lord of Dalkeith granted Thriepland in Kilbucho on 12 March 1450/1,²⁸² is found on 27 September 1456 acting as the attorney of James Douglas, later earl of Morton, to take sasine of the barony of Robertson.²⁸³ Having succeeded to Hartree, Brown was appointed bailie by the earl on 6 May 1467 to give sasine of lands in Calderclere.²⁸⁴ It is not clear, on the other hand, that he was rendering the earl a service by acting in collusion with Henry Livingston of Mannerston against John Martin of Midhope at some time before 18 March 1478/9. Brown, as sheriff in that part, was accused by Martin of wrongfully serving briefes of 'departising' upon the lands of Blyth and also, with Livingston, of the 'vexatioun and distrubling' of him and his tenants in his half of the same lands.²⁸⁵ Nevertheless, Brown's grandson and heir was conceded blench tenure of Kilbucho²⁸⁶ in 1484 and his younger sons, David and Andrew, were at Dalkeith on 18 April 1488 to witness John Gifford's sasine,²⁸⁷ with David going on to be named on 10 June 1493 among the bailies to infeft the master of Morton in his father's earldom.²⁸⁸

Drawing principally upon witness lists it is thus possible to identify a body of around thirteen of the earl's kinsmen who

280. A precept of 27 Feb. 1436/7 instructing his sasine as heir to his late father seems to have been ineffective - due, perhaps, to its description of his tenure as blench ferm. John Brown eventually took sasine of Hartree on 21 Aug. 1438 following a precept issued five days earlier which omits any reference to blench tenure: SRO, GD 184, nos. 2-4.

281. Ibid., no. 13; GD 150, no. 141.

282. SRO, GD 184, no. 6.

283. SRO, GD 150, no. 120.

284. Ibid., no. 141.

285. ADA, 80.

286. SRO, GD 184, no. 22.

287. SRO, GD 150, no. 216.

288. Ibid., no. 234.

look to have been among his closer associates.²⁸⁹ Of the non-kinmen who can similarly be classified from similar evidence about half can be grouped as either the earl's clerical and administrative staff or as his chaplains. Among these individuals are to be found the names - three in number - which most frequently recur in Morton's writs.

Only one of these men is certainly distinguished by dint of holding office under the earl, and this is Thomas Harvie, Morton's chamberlain. Harvie, a squire and a layman without a university education, witnessed no fewer than thirteen of the earl's charters between 1467 and 1488, all of which were given in Dalkeith²⁹⁰ - the venue too of resignations in 1466 and 1484,²⁹¹ Hugh Douglas's manrent and renunciation,²⁹² the letters of gift to James Gifford of Sheriffhall,²⁹³ and two sasines to which Harvie's name was also put.²⁹⁴ This was doubtless convenient for Harvie, for his only evident property was a tenement in the town of Dalkeith.²⁹⁵ He is, however, found away from Dalkeith as a witness of five other writs concerning the earl - three in Edinburgh,²⁹⁶ and one each at Holyrood²⁹⁷ and Kinghorn.²⁹⁸ He is mentioned as chamberlain in 1474 and 1486,²⁹⁹ and thus probably held the office during at least the greater part of his association with the earl.

289. These are taken as being his sons - John and James; his three Gifford uncles - James the elder of Sheriffhall, William and John; his Gifford cousins - James the younger of Sheriffhall, Master William and Master Thomas; and some kinsmen of unspecified or distant relationship - Master Alexander Gifford, William Borthwick, Mark Dunbar, Archibald Todrick and, arguably, William Brown of Hartree.

290. See Table III below, p. 370. He is called squire twice, in charter no. 7 and in a writ of 1466: SRO, GD 184, no. 15.

291. Ibid., nos. 15, 21.

292. Mort. Req., ii, 222, 224.

293. SRO, GD 150, no. 195.

294. Ibid., nos. 179, 183.

295. SRO, RH 6, no. 503.

296. SRO, GD 150, nos. 171, 198.

297. Mort. Req., ii, 235.

298. SRO, GD 150, no. 210.

299. Mort. Req., ii, 238 (A.D. 1474); SRO, GD 150, nos. 206, 208 (both 1486).

There seems little doubt that the vast bulk of Morton's writs were drawn up by one or other of two notaries public: sirs Robert Halliwell and William Henderson, neither of whom was accorded by the earl any description more indicative of office than 'our chaplain'. Halliwell witnessed a modest seven of the earl's charters in Dalkeith,³⁰⁰ along with Hugh Douglas's bond of manrent and renunciation,³⁰¹ but his principal service seems to have been as notary of the bulk of the sasines and resignations concerning Morton between 1456 and 1478.³⁰² Some twelve of these instruments can be found - mostly drawn up in Dalkeith,³⁰³ although his duties were required on one occasion each in Edinburgh³⁰⁴ and at Blyth,³⁰⁵ Robertson,³⁰⁶ Morton³⁰⁷ and Biggar.³⁰⁸ He was joint notary of James Gifford of Sheriffhall's resignation on 22 October 1478 with William Henderson,³⁰⁹ and both notaries are found side by side among the witnesses of two charters in that year.³¹⁰ This seems to represent a period of overlap in the careers of Halliwell and Henderson as principal notaries to the earl of Morton; Halliwell did witness a charter of the earl's on 1

300. See Table III below, p. 370. Halliwell admits to writing charter no. 3, but was almost certainly responsible for others.

301. Mort. Req., ii, 222, 224.

302. The exceptions are mostly the instruments of the future earl's initial sasines of his inheritance: SR0, GD 150, nos. 114-15, 117-18, 123. Most of these were written by David Colden, who may later have obtained a benefice from the earl: see below, p. 198. One other exception is the instrument upon the meeting of the arbiters between the earl and Henry Livingston: SR0, GD 150, no. 171.

303. SR0, GD 150, nos. 116, 131, 139, 145, 157, 178; GD 184, no. 15. He was also notary at the earl's justice ayre in 1476: Mort. Req., ii, 226.

304. Ibid., 219-21.

305. SR0, GD 150, no. 133.

306. Ibid., no. 144.

307. Ibid., no. 156.

308. Ibid., no. 167.

309. Ibid., no. 178.

310. See Table III below, p. 370.

September 1479,³¹¹ whereas Henderson did not, but thereafter his name is not found in a Morton writ. Henderson is first found connected with the earl on 17 May 1477 when he was one of four notaries of the new erection of Dalkeith Collegiate Kirk.³¹² The other three did not subsequently serve the earl, but Henderson went on to witness seven of his charters,³¹³ two reversions,³¹⁴ a resignation³¹⁵ and a discharge to him,³¹⁶ and was notary of eleven assorted sasines and resignations concerning the earl³¹⁷ as well as of the decret anent his dispute with Livingston of Mannerston.³¹⁸ All were drawn up in Dalkeith excepting a sasine in Aberdour³¹⁹ and the reversions in Edinburgh³²⁰ and Kinghorn.³²¹ Henderson was rewarded with the prebend of Horsburgh in the Collegiate Kirk of Dalkeith, though perhaps not until 1488.³²²

What functions were performed by some other individuals designed 'our chaplain' by Morton remains unclear. In particular three chaplains who were fairly frequently in the earl's company - sirs John Harvie, Edward Mole, who had a tenement in Dalkeith³²³ and William Tynninghame - appear to have been unbeneficed clerks, although it is possible that they were prebendaries of Dalkeith Collegiate Kirk, given that its prebends were alternatively known

311. Ibid.

312. Mort. Req., ii, 234.

313. See Table III below, p. 370.

314. SRO, GD 150, nos. 198, 210.

315. SRO, GD 184, no. 21.

316. SRO, GD 150, no. 228.

317. Ibid., nos. 178-81, 183, 192, 206-7, 216; SRO, RH 6, no. 503; GD 184, no. 18.

318. SRO, GD 150, no. 172.

319. Ibid., no. 192.

320. Ibid., no. 198.

321. Ibid., no. 210.

322. Ibid., no. 214.

323. Ibid.

as chaplainries.³²⁴ Otherwise they may have been clerks of the chapel of the regality of Dalkeith or have officiated in the chapel at Dalkeith Castle.³²⁵ Tynninghame's association with the earl spanned the years 1456-1483, during which time he is found in Dalkeith at the then fourth lord's sasines thereof,³²⁶ and as a witness of a charter,³²⁷ four resignations in the earl's hands,³²⁸ Hugh Douglas's ratification of his renunciation,³²⁹ the arbiters' decret upon Morton's dispute with Livingston of Mannerston³³⁰ and the sasines of Master Thomas Gifford and his son.³³¹ Tynninghame also travelled to Robertson with the earl to witness the latter's apparent heir's sasine.³³² Harvie and Mole belong to a shorter period, with Mole accompanying Tynninghame as a witness of Hugh Douglas's ratification in 1474³³³ and subsequently witnessing four of the earl's charters in 1474, 1483, 1486 and 1488, while Harvie witnessed the last three of these charters and three others in 1479, 1484 and 1486/7,³³⁴ having earlier attended resignations in 1466 and 1478³³⁵ and the sasines of Master Thomas Gifford and his son in 1478,³³⁶ both along with William Tynninghame. Three others whom the earl called 'our chaplain' are known: sirs John Chalmers, James Kinbuck and James Turner, all of whom witnessed Morton's foundation charter of Aberdour Hospital

324. Mort. Req., ii, 226-35. There were also clerkships available in the collegiate kirk (ibid.) and perhaps still a hospital in Dalkeith: Cowan and Easson, Religious Houses, 164, 173.

325. Mort. Req., ii, 151-4; SRO, GD 150, no. 131.

326. Ibid., nos. 114, 116.

327. See Table III below, p. 370.

328. SRO, GD 184, nos. 15, 18; GD 150, nos. 131, 178.

329. Ibid., no. 157.

330. Ibid., no. 172.

331. Ibid., nos. 180-1.

332. Ibid., no. 144.

333. Ibid., no. 157.

334. See Table III below, p. 370.

335. SRO, GD 184, no. 15; GD 150, no. 178.

336. Ibid., nos. 180-1.

given at Dalkeith on 9 July 1474.³³⁷ Turner is not known to have been with the earl on other occasions, but Kinbuck had witnessed Hugh Douglas's ratification of his renunciation six weeks earlier³³⁸ and on 14 February 1486/7 witnessed the same man's charter from the earl,³³⁹ whilst Chalmers witnessed a sasine in Dalkeith on 9 November 1482³⁴⁰ and may have witnessed John Douglas's sasine in the earldom of Morton on 10 September 1493.³⁴¹

Three other clerks who witnessed more than one Morton writ can be mentioned here, even though none of these men merited use of the possessive pronoun by the earl of Morton. Sir John Haitlie was not certainly in the earl's company when at Dalkeith on 22 November 1468,³⁴² but he reappears there at a witness of writs concerning Morton during the 1470s, these being the ratification of Hugh Douglas's renunciation,³⁴³ the decret upon the earl's dispute with Henry Livingston³⁴⁴ and Gifford of Sheriffhall's sasine of the constabulary.³⁴⁵ Sir Henry Henderson appears over a very much shorter period, witnessing only the new erection of Dalkeith Collegiate Kirk³⁴⁶ and Master Thomas Gifford's bond of manrent,³⁴⁷ both in the spring of 1477. Sir William Coll, possibly a prebendary of Dalkeith,³⁴⁸ was, like Haitlie, a witness to the decret anent Henry Livingston's claims,³⁴⁹ and a charter witness

337. Mort. Req., ii, 238.

338. SRO, GD 150, no. 157.

339. NLS, MS 72, fo. 121r-v.

340. SRO, RH 6, no. 503.

341. SRO, GD 150, no. 237.

342. Yester Writs, no. 139.

343. SRO, GD 150, no. 157.

344. Ibid., no. 172.

345. Ibid., no. 179.

346. Mort. Req., ii, 235.

347. NLS, MS 73, no. 2.

348. CPL, xv, no. 216.

349. SRO, GD 150, no. 172.

some five years later.³⁵⁰

There are other laymen, aside from his kinsmen and his chamberlain, who appear to have attended the earl with some regularity. Eight of these individuals have in common both an apparent lack of freehold property - held either of the earl or of any other lord - and a lack of the title 'squire' which distinguished seemingly comparable figures in the affinity of the fifth earl of Crawford³⁵¹ (although the surname of one of the six hints at this status). One of the six, Nicholas Watson, is however distinguished by the length of his association with not one but three lords of Dalkeith and by the specific services which he is known to have rendered. He was a pensioner of Morton's grandfather one of whose charters he witnessed in 1433,³⁵² and thus, it can be supposed, of Morton too, for James Gifford the elder of Sheriffhall was instructed in his letters of tutory to maintain payment to him.³⁵³ He travelled to the Stewartry to break his lord's sasine of Buittle in 1441³⁵⁴ and acted as bailie to give sasine in Hawthornsyke in 1447,³⁵⁵ having four years earlier witnessed the charter whereby the same lands were initially granted.³⁵⁶ He witnessed two other charters of the lord of Dalkeith in the early 1450s.³⁵⁷ By the time of his attendance at James Douglas (IV)'s sasine in Dalkeith on 10 September 1456, he had become clerk of court to James Douglas³⁵⁸ - probably, that is, James Douglas (III), although it is possible that on account of his mental illness his judicial powers had been placed in his son's hands - but no reference to the office is made

350. See Table III below, p. 370.

351. See above, pp. 123-4.

352. SRO, GD 150, no. 97.

353. Mort. Req., ii, 209.

354. Ibid., 210-11.

355. NRA, Survey no. 888, p. 423.

356. Ibid., p. 424.

357. SRO, GD 184, nos. 6, 72.

358. SRO, GD 150, no. 114.

thereafter. He is known to have witnessed only one of the earl's charters - on 21 March 1460/1³⁵⁹ - but he also attested a resignation and a reversion to the earl in 1466 and 1471,³⁶⁰ Hugh Douglas's ratification of his renunciation in 1474,³⁶¹ the meeting of the arbiters between Morton and Livingston in 1477³⁶² and the sasine of Master Thomas Gifford in 1478/9.³⁶³ Of these only the arbiters' meeting took him out of Dalkeith, but he did act as bailie, once again in Hawthornsyke, to infeft the earl's apparent heir therein.³⁶⁴ In addition to all this he was with a group of Morton's associates in Dalkeith on 22 November 1468 at the meeting between David Hay of Yester and Robert, Lord Fleming.³⁶⁵ Watson would have been fairly advanced in years by 1479, and it was probably death which ended his connexion with the earl of Morton. The same may have applied to Robin Squire and James Tweedie, who also belong to the first half of Morton's tenure of his inheritance. Squire witnessed three charters³⁶⁶ and four writs made to the earl,³⁶⁷ all at Dalkeith, between 1463/4 and 1475, while Tweedie, perhaps with the earl's father in 1442/3,³⁶⁸ witnessed sasines of the future earl of Morton in 1456³⁶⁹ and of the latter's son in Robertson in 1469,³⁷⁰ and Hugh Douglas's ratification of his renunciation in 1474.³⁷¹ If he can be identified as the heir to Drumelzier he appears once again in the earl's company in 1483, having by then become laird.³⁷² Henry Chalmers seems to have enjoyed a rather longer,

359. See Table III below, p. 370.

360. SR0, GD 184, no. 15; Mort. Req., ii, 216-17.

361. SR0, GD 150, no. 157.

362. Ibid., no. 171.

363. Ibid., no. 183.

364. Ibid., no. 145.

365. Yester Writs, no. 139.

366. See Table III below, p. 370.

367. SR0, GD 150, no. 131; GD 184, no. 13, Mort. Req., ii, 217, 224.

368. NRA, Survey no. 888, p. 424.

369. SR0, GD 150, nos. 114, 117.

370. Ibid., no. 144.

371. Ibid., no. 157.

372. SR0, GD 184, no. 18.

if more intermittent association with the earl, witnessing Douglas's sasine in his Peeblesshire properties and in Calderclere in September 1456,³⁷³ Hugh Douglas's ratification of his renunciation in 1474³⁷⁴ and a sasine in Dalkeith in 1482.³⁷⁵ The four remaining members of this group - Thomas Chalmers, Robert Harvie, John Dunbar and Robert Simpson - can be placed in the later part of Morton's life. Chalmers was at Dalkeith with the earl as a witness of Hugh Douglas's renunciation in 1474³⁷⁶ and three charters in the decade beginning in 1478,³⁷⁷ as well as attending a resignation and three sasines there during the same period.³⁷⁸ He also witnessed the augmentation of Dalkeith Collegiate Kirk made at Holyrood in 1477.³⁷⁹ Robert Harvie was at Dalkeith to witness four of the earl's charters and three resignations in his hands³⁸⁰ between 1483 and 1486/7, having earlier witnessed Gifford of Sheriffhall's resignation in October 1478³⁸² and the sasine of Master Thomas Gifford in the following January.³⁸³ John Dunbar and Robert Simpson are found associated with Morton only during the earl's last decade of life, Dunbar witnessing three charters and Simpson two,³⁸⁴ with both witnessing a resignation to the earl in 1486,³⁸⁵ and Simpson attesting a discharge

373. Ibid., nos. 117, 119.

374. Ibid., no. 157.

375. SRO, RH 6, no. 503.

376. Mort. Req., ii, 224.

377. See Table III below, p. 370.

378. SRO, GD 150, nos. 179, 183, 216; GD 184, no. 21.

379. Mort. Req., ii, 235.

380. See Table III below, p. 370.

381. SRO, GD 184, nos. 18, 21; GD 150, no. 207.

382. Ibid., no. 178.

383. Ibid., no. 183.

384. See Table III below, p. 370.

385. SRO, GD 150, no. 207.

in 1492.³⁸⁶

Another group of laymen whose service to the earl is manifest, even if their attendance upon him is not is formed of those holding office under him, whether permanent or ad hoc. Most numerous among these are some of the serjeants of Morton's baronies. There was William Bulle in Dalkeith, who held office between at least October 1478 and November 1482, when witnessing sasines in the toun of Dalkeith.³⁸⁷ William Robbie in Linton may have held office in 1463/4 when a William Robinson was nominated to give sasine to Henry Livingston of Mannerston in the half lands of Blyth,³⁸⁸ and was certainly serjeant there in 1476 when instructed by James Gifford, the justiciar of the justice ayre of the regality of Dalkeith, to summon John Martin and Henry Livingston to compare with suitors.³⁸⁹ Assisted by Walter Porteous, perhaps also a bearer of formal office in Linton, he seems to have taken two oxen from Martin's half of Blyth, allegedly under instructions from the master of Morton.³⁹⁰ Robinson was not, however, tied to Peeblesshire, for he was the sole bailie nominated in the earl's precept of January 1460/1 to give sasine of and obtain caution for ^{relief of} certain lands in Dumfriesshire.³⁹¹ Steven Darling, possibly a burgess of Peebles, was a serjeant at the time of the perambulation of Newlands and Linton in 1475, and it is likely, given Robbie's known status, that he held office in the former barony.³⁹² It

386. Ibid., no. 226.

387. SR0, GD 150, nos. 180-1, 183; RH 6, no. 503.

388. SR0, GD 150, no. 132; cf. Black, Surnames, 695-6. He seems to have witnessed, with no office stated, the future earl's sasines in Kilbucho, Linton and others on 17-18 Sept. 1456: SR0, GD 150, nos. 117-118.

389. Mort. Req., ii, 225.

390. ADC, 56.

391. SR0, GD 97/2, no. 20.

392. SR0, GD 150, no. 160.

is possible that Walter Ivison, serjeant of Morton, and indeed William Ednam, keeper of Morton Castle, witnesses of the sasine of the earl's apparent heir in Morton on 9 February 1473/4, remained in office thereafter.³⁹³ Permanent bailies may have included Thomas Jaffray and William Reid,³⁹⁴ described simply as bailies when witnessing a sasine in Dalkeith in 1482, and perhaps holding office in that toun and barony, and James Williamston who, as bailie of Calderclere, gave sasine to Alexander Shiel in 1454³⁹⁵ and may have retained the office in later years. John Penvane, twice instructed in the 1480s to give sasine of lands in the barony of Kilbucho, is likely to have held permanent local office, perhaps succeeding James Tweedie, a bailie who may also have attended the earl at Dalkeith.³⁹⁶ Some holders of ad hoc office³⁹⁷ may also have held a permanent office of some sort — more particularly as they were acting in localities where no certain agent of the earl can be identified. Aside from conjecture, however, there is no reason to doubt that men such as Walter Cant, bailie ad hoc of Aberdour in 1491³⁹⁸ Murdoch Hamilton and Patrick Graham, bailies ad hoc in Hawthornsyke on 4 January 1470/1,³⁹⁹ Edward Maxwell of Tinwald, bailie ad hoc in Preston in 1491,⁴⁰⁰ David Boswell of Balmuto, attorney receiving sasine of the future earl of Morton's Fife properties in September 1456⁴⁰¹ and a witness

393. Ibid., no. 156. Ivison may have had extensive authority, for he was among those nominated as bailies by precept of 27 Jan. 1490/1 to infeft Fergus Rerrick in lands in the barony of Preston, Kirkcudbrightshire: SR0, RH 6, no. 563.

394. Ibid., no. 503. Reid had a tenement in Dalkeith: SR0, GD 150, no. 214.

395. Ibid., no. 111.

396. SR0, GD 184, nos. 14, 16, 20, 23, 73; see above, p. 183.

397. That is, where a precept of sasine was directed to a bailie specialiter deputato, or some such expression, and in the case of attorneys, who were always ad hoc.

398. SR0, GD 26/3, no. 797.

399. NRA, Survey no. 888, p. 424.

400. SR0, RH 6, no. 563.

401. SR0, GD 150, no. 115.

of a charter given in Edinburgh in 1478,⁴⁰² Simon Boswell, attorney receiving sasine of Balbarton in Fife on behalf of the earl and countess in 1459,⁴⁰³ and Thomas Johnston, attorney receiving sasine of Hutton in 1456⁴⁰⁴ and a possible witness at Dalkeith in 1467,⁴⁰⁵ were well enough regarded by the earl to be entrusted with these particular tasks. Gilbert Tweedie, styled 'a servant of the earl' might also be included here, even though there is some suggestion that his services were not exclusively rendered to Morton.⁴⁰⁶ He is found acting in concert with William Borthwick in debarring James Livingston from entry to Dalkeith Castle on 18 May 1485.⁴⁰⁷

In pointing to those individuals who show plausible indication of having been close to the first earl of Morton it is evident that a major group has gone unrepresented: namely those other than his kinsmen who might be reckoned to have owed some service by virtue of having either land or benefice at the earl's hands. Names can be given to a fair quantity of such men, but for most of them it is difficult to allot a place in Morton's affinity with any certainty.

The list of those who rendered suit at the earl's justice ayre on 23 July 1476 reveals the names of twelve of his tenants.⁴⁰⁸ Of those there are eight which are found in no other Morton writ: John Graham of Corston, Edward Hunter of Polmood, William Kneland of

402. See Table III below, p.370. Edinburgh would be a little more accessible to him than Dalkeith; Balmuto, held of the king, is in Fife, Nat. grid ref. NT 221897.

403. SRO, GD 150, no. 128.

404. Ibid., no. 121. He is described as 'brother of the laird of Johnston'.

405. See Table III below, p.370. He also witnessed the associated resignation on the day before: SRO, GD 150, no. 139.

406. See below, p. 202.

407. Binns Papers, no. 18.

408. Mort. Req., ii, 224-6.

Ormiston, Gilbert Forrester of Drylaw, John Dusquene of Hardington, Alexander Galloway of Hardington, Robert Thriepland of Mitchelhill and John Newton of Mitchelhill.⁴⁰⁹ Hunter's subsequent absence is particularly curious because Walter Hunter of Polmood had been the earl's attorney to take sasine of the barony of Preston in the Stewartry on 4 November 1458⁴¹⁰ and had been with the earl of Dalkeith on 4 January 1463/4⁴¹¹ and 4 and 5 May 1467,⁴¹² and at Robertson on 26 July 1469.⁴¹³ James Hunter, the short-lived successor of Walter,⁴¹⁴ was also at Robertson on this occasion, and may have witnessed the fourth lord of Dalkeith's sasine in Kilbucho and other lands on 17 September 1456.⁴¹⁵ It is not known what land the Hunters held of the earl - Polmood, in the barony of Olivercastle, was held of Robert, Lord Fleming until the excambium, confirmed in 1470, whereafter Sir David Hay of Yester was the superior.⁴¹⁶ It may be that, for the Hunters, Hay represented a more useful lord than Morton, since a later Walter Hunter of Polmood gave a bond of manrent to the lord of Yester in 1502.⁴¹⁷ Divided loyalty may also have applied in the cases of others; Thriepland was apparently another tenant of Hay of Yester,⁴¹⁸ whilst Forrester held Easter Drylaw of Alexander Forrester of Corstorphine.⁴¹⁹

409. Corston and Ormiston were probably in the barony of Calderclere: Nat. grid ref. NT 077637 & 099665. Hardington may have been in the barony of Robertson: Hardington House is at Nat. grid ref. NS 964302. Mitchelhill looks to have been in the barony of Kilbucho: Nat. grid ref. NT 067339.

410. SRO, GD 150, no. 126.

411. Ibid., no. 131.

412. Ibid., nos. 139-40.

413. Ibid., no. 144.

414. James was served heir to his father on 15 May 1474: Yester Writs, no. 175. Edward Hunter had apparently succeeded to Polmood by Dec. 1475: ADA, 38.

415. SRO, GD 150, no. 117.

416. Wigtown Charter Chest, no. 417; RMS, ii, no. 995. Polmood is Nat. grid ref. NT 113270.

417. Yester Writs, no. 254.

418. He served on a jury of inquest upon another tenant of Hay of Yester in 1467: Yester Writs, no. 135.

419. Prot. Bk. Young, nos. 472-3.

Three of the remaining four can be treated scarcely more fully than these eight. George Douglas of Stonypath may have been at Dalkeith, though not necessarily with Morton, on 22 November 1468,⁴²⁰ and may have witnessed a resignation in the earl's hands in Edinburgh on 22 February 1489/90.⁴²¹ His style suggests that he held land in Linton, and it is possible that he had some title to Plewlands in the barony of Newlands.⁴²² Alexander Shiel of that ilk is mentioned elsewhere in Morton: writes only in respect of his blench ferm tenancy of Shiel in Calderclere, in which he was seized as heir to his father in 1454,⁴²³ and in which he, called the earl's 'beloved', was conjunctly infeft with his wife in 1467.⁴²⁴ Steven Stevenson of that ilk is found in connexion with his lord on one further occasion: as a witness of the latter's sasine in Kilbucho and other lands on 17 September 1456.⁴²⁵

It can be said that all these men were at least rendering a practical service to the earl by paying suit at the ayre, but at the same time this was no more than was required of them under the terms of their tenancy, and it is clear from this justice ayre that the earl was ready to enforce the letter of terms of tenure with fines.⁴²⁶ Only Laurence Elphinstone of Selms, a burghess of Edinburgh, shows more than the slightest sign of having translated his feudal tie into affinity, being nominated by the earl as one

420. Yester Writs, no. 139.

421. Prot. Bk. Young, no. 313.

422. SR0, GD 150, no. 100(a), 2nd membrane; ADC, 77. Stonypath is at Nat. grid ref. NT 143535 and there is a Plewlands at Nat. grid ref. NT 180506.

423. SR0, GD 150, no. 111.

424. Ibid., no. 140.

425. Ibid., no. 117. There is a Stevenson at Nat. grid ref. NT 169430 in Newlands parish, and another at NT 544748, conceivably in the barony of Garleton.

426. See above, p. 161.

of the bailies to give sasine of Hawthorneyke to his apparent heir in 1469,⁴²⁷ and having his son Nicholas marry Morton's cousin Margaret Gifford, sister of James Gifford of Sheriffhall.⁴²⁸ There also seems to be good reason why Laurence Elphinstone does not appear in the earl's company after the ayre of 1476; Nicholas had succeeded him by 29 October 1478, being styled 'of Selms' when he witnessed Master Thomas Gifford's sasine in Dalkeith.⁴²⁹ It so happens that the bailie for this sasine was James Gifford of Sheriffhall, and since Nicholas Elphinstone was also with his brother-in-law at Sheriffhall on 1 November 1478 and 17 February 1478/9⁴³⁰ the possibility exists that he was more Gifford's ally than Morton's man. At any rate, for his part Nicholas Elphinstone was subsequently with the earl on only one known occasion, and this was in Edinburgh on 22 February 1489/90 when he resigned Selms in favour of Andrew Elphinstone, his brother.⁴³¹

All these tenants can be seen as being based within Morton's principal sphere of influence - that is, holding land in and around the earl's main cluster of baronies in Lothian, Peeblesshire and Lanarkshire. Some others who held land within this area and whose presence at the ayre is not recorded can also be indicated, either from charter or locational style. In the cases of three lairds there may be sufficient evidence to suggest that they were connected with the earl of Morton and for two others there is nothing of the kind. Patrick Graham of Elvingston's style came from lands held in the barony of Dalkeith.⁴³² Having succeeded Alexander

427. SRO, GD 150, no. 145.

428. Prot. Bk. Young, nos. 313-14. Ibid., no. 1317 shows that Nicholas was Laurence's son.

429. SRO, GD 150, no. 180.

430. Ibid., nos. 182, 184.

431. Prot. Bk. Young, nos. 313-14.

432. NLS, MS 72, fo. 121r-v.

Graham of Elvingston, and probably inherited thereby his family's attachment to the lords of Dalkeith,⁴³³ he witnessed John Douglas's sasine in the barony of Robertson in 1469,⁴³⁴ followed by Hugh Douglas's renunciation⁴³⁵ and a charter in 1474, another charter in 1475⁴³⁶ and the augmentation of Dalkeith Collegiate Kirk in 1477.⁴³⁷ He acted as the earl's attorney to take sasine of lands in the barony of Biggar in 1476,⁴³⁸ probably as well resigning lands in Elvingston in favour of Archibald Todrick in 1470⁴³⁹ - something which could be construed as a useful service. When or by whom he was succeeded is unclear; there is only a vague reference to his heirs in 1504, and no mention of him in the earl's charter granting ten merklands in Elvingston to Hugh Douglas and his spouse in 1486/7.⁴⁴⁰ Holding land of the earl on the other side of the capital there were Patrick Cockburn of Newbigging and James Gifford of Corston. Newbigging is not an especially uncommon name, but given that Cockburn was seized in Hawthornsyke in 1447⁴⁴¹ he may have taken his style from lands in West Lothian.⁴⁴² More likely, perhaps, is that he held a Newbigging in East Lothian,⁴⁴³ since he served as sheriff-depute of the constabulary of Haddington and bailie of the burgh of Haddington

433. SRO, GD 184, nos. 6, 13, 15.

434. SRO, GD 150, no. 144.

435. Mort. Req., ii, 224.

436. See Table III below, p. 370.

437. Mort Req., ii, 235.

438. SRO, GD 150, no. 167.

439. NLS, MS 72, fo. 18v.

440. Ibid., fo. 121r-v; Prot. Bk. Young, no. 1442.

441. NRA, Survey no. 888, p. 423. In the charter of the lands, four years earlier, he is styled 'of Sauthuale': ibid., p. 424.

442. There are Newbiggings at Nat. grid ref. NT 069735 & 126771, three miles S.S.E. and four miles E.S.E. of Hawthornsyke respectively.

443. Retours, i, Haddington, no. 360.

during the 1460s and perhaps earlier.⁴⁴⁴ What is clear is his attestation of two of Morton's charters at Dalkeith in 1465 and 1467,⁴⁴⁵ and that he was dead by 19 December 1470 when the earl issued a precept directing the sasine of James Cockburn in Hawthornsyke as heir to his father.⁴⁴⁶ James does not seem to have maintained his father's connexion with the earl, though it is conceivable that he was the James Cockburn of Garleton - Garleton being another barony of which Morton was the superior⁴⁴⁷ - who was with the earl on 4 and 5 May 1467.⁴⁴⁸ James Gifford of Corston is assumed to have taken his style from lands in Calderclere.⁴⁴⁹ His known association with the earl is limited to the six months from 9 February 1473/4 to 9 July 1474, when he acted as attorney for the earl's apparent heir in taking sasine of Morton,⁴⁵⁰ and witnessed Hugh Douglas's renunciation⁴⁵¹ and the foundation charter of Aberdour Hospital.⁴⁵² Even this level of association is not matched by the Menteiths of Kerse, who had held Bodinglee in the barony of Roberton from the lords of Dalkeith for an unknown period before 17 March 1466/7. On this date William Menteith was confirmed in these lands by the earl

444. Yester Writs, nos. 95, 102, 125, 132.

445. See Table III below, p. 370.

446. NRA, Survey no. 888, p. 424. It is not clear how the Cockburns' tenure of Hawthornsyke squares with the earl's gift to his son and apparent heir in 1469: SRO, GD 150, no. 145.

447. Ibid., nos. 114, 116, 234. Formerly Garmilton, the change to the form now in use dates from the late 17th century: Retours, i, Haddington, no. 388.

448. SRO, GD 150, nos. 139-140.

449. Nat. grid ref. NT 077637. Cf. Prot. Bk. Young, no. 1123. No kinship between the earl and this James Gifford is known.

450. SRO, GD 150, no. 156.

451. Mort. Req., ii, 224.

452. See Table III below, p. 370.

following his father's resignation.⁴⁵³ Neither John Menteith, the father, nor his son, who succeeded in 1475 is known to have attended or served the earl. This is perhaps unsurprising, for their principal properties were West Kerse in Stirlingshire and Alva in Clackmannanshire,⁴⁵⁴ and besides William Menteith's attention was distracted by a lengthy feud with the Bruces of Airth during the 1480s.⁴⁵⁵ Nor is there evidence of any greater affinity between the earl and John Martin of Midhope, portioner of Blyth. Martin's case has been touched upon in connexion with Henry Livingston of Mannerston,⁴⁵⁶ in common with whom he was principally a tenant of Lord Lindsay of Byres,⁴⁵⁷ and likewise was apparently connected with the earl only through the dispute over Blyth.⁴⁵⁸ More than this, he seems to have had cause for complaint against the earl's serjeant of the barony of Linton, wherein Blyth lay.⁴⁵⁹ He died between 24 June 1482 and 12 February 1482/3, leaving a son, Henry,⁴⁶⁰ whose name does not appear in Morton's writs, even in matters of controversy.

Aside from these lairds the names of over thirty denizens of the town of Dalkeith can be found - most mentioned incidentally by way of describing the location of a tenement being conveyed.⁴⁶¹ Some, namely Mark Dunbar, Masters Alexander and Thomas Gifford, sir

453. NLS, Acc. 3142, vol. 1, no. 244 (affixed to fo.19 of the volume). It is calendared in Wigtown Charter Chest, no. 244, where the year is given as 1460/1, an error also found in the NLS catalogue.

454. ER, ix, 676.

455. ADC, 55, 101, 121, 153.

456. See above, pp. 161-2.

457. Binns Papers, nos. 8, 15-18.

458. Ibid., no. 18; SRO, GD 150, nos. 160, 173, 189; Mort. Req., ii, 224-6.

459. ADC, 56.

460. RMS, ii, no. 1556.

461. SRO, GD 150, nos. 175, 181, 183, 214, RH 6, no. 503; Mort. Req., ii, 237. RMS, ii, no. 515 also has some bearing on the matter.

Edward . Moll, Thomas Harvie, William Borthwick and William Reid, have been mentioned already,⁴⁶² but for the rest there are few who appear to have played any part in Morton's affairs. Thomas Cockburn, Robert Porteous, John Sloan, William Liddell⁴⁶³ and three bearers of the name Colden - John, Simon and Patrick⁴⁶⁴ - had land in Dalkeith, and the same seven names appear among the witnesses of various instruments connected with grants by the earl.⁴⁶⁵ This alone, however, cannot reasonably be taken as any sign of affinity. More usefully it does perhaps hint at the provenance of a number of incidental witnesses of Morton's writs - particularly since the bulk of these were drawn up in Dalkeith. There are, for example, recurrences of three of the above surnames with Patrick Porteous and his like-named son, who witnessed Alexander Shiel's resignation and Morton's charter to him on 4 and 5 May 1467,⁴⁶⁶ a James Liddell, witness in 1478 of the charter to Master Thomas Gifford⁴⁶⁷ and James Gifford of Sheriffhall's resignation of the constabulary,⁴⁶⁸ and witnessing this same resignation, along with Thomas Cockburn, was one Patrick Cockburn.

Moving further afield to Dumfriesshire and Galloway, Fife and Berwickshire, the proportion of identifiable tenants whose

462. See above, pp. 174 n.264 (Dunbar), 159, n.140 (Thomas Gifford), 179, n.323 (Moll), 177, n.295 (Harvie), 173, n.254 (Borthwick), 186, n.394 (Reid). Master Alexander Gifford had at least a chamber in Dalkeith: SRO, GD 150, no. 172.

463. SRO, GD 150, nos. 181 (Porteous), 214 (Cockburn and Porteous), RH 6, no. 503 (Sloan); RMS, ii, no. 2789 (Liddell).

464. Ibid., no. 515; SRO, GD 150, nos. 181, 214.

465. SRO, GD 150, nos. 114, 116 (Porteous & John Colden), 178 (Cockburn, Sloan, Liddell & Patrick Colden), 179 (Sloan), 183 (John Colden), 216 (Simon Colden), RH 6, no. 503 (Liddell).

466. See Table II below p. 370; SRO, GD 150, no. 139.

467. See Table III below, p. 370.

468. SRO, GD 150, no. 178.

connexion with the earl was evidently no more than tenurial rises to 100%. In the south-west of the country there were the Grahams of Meskeswra, the earl's tenants in Meskeswra and Dryfe, part of the tenement of Hutton in Annandale. William Graham resigned Meskeswra and Dryfe, reserving liferent, in favour of his grandson, Patrick, who was given a charter of the lands from the earl on 23 November 1465.⁴⁶⁹ Either the grandfather was still alive ten years later or else the resignation was ineffective, with the lands passing to William, his eldest son;⁴⁷⁰ there was a William Graham of Meskeswra on 27 August 1475, being called the earl's 'beloved' and being granted further lands in Hutton which had been resigned by one Edward Livingston.⁴⁷¹ Morton seems to have done Graham no favour in letting to borch one part of these newly granted lands - Croftendis by name - to John Boyle of Wamphray. This had taken place before 21 October 1479, when Boyle accused Graham of spuilzie before the Lords of Council.⁴⁷² Graham responded by pursuing Morton for wrongfully setting the lands to Boyle.⁴⁷³

Close at hand was John Graham of Gillesbie, who held Brakinwra, also in Hutton, under reversion from the earl after 22 August 1471.⁴⁷⁴ He may have been a son of William Graham of Meskeswra,⁴⁷⁵ and its location suggests that Gillesbie may too have lain in the earl's tenement of Hutton.⁴⁷⁶

469. Ibid., no. 135. Variouslly Meskesso, Moskesso and Moskeswa in the early 17th cent. (Retours, i, Dumfries, nos. 46, 56, 73), the name seems to be lost.

470. SRO, GD 150, no. 135 reveals the relationship.

471. NLS, Ms 72 fos. 118v-119v. This gift seems later to have required proving: ADC, 294 (27 Feb. 1492/3).

472. ADC, 33.

473. ADC, 53-4.

474. Mort. Req., ii, 216-17.

475. A John Graham is listed among the sons of the elder William Graham of Meskeswra: SRO, GD 150, no. 135.

476. Gillesbie is Nat. grid ref. NY 165915.

Adjacent to Morton in Dumfriesshire lay the chief messuage of John Menzies of Enoch,⁴⁷⁷ the earl's tenant in the half lands of Carlops until his death before 9 April 1477.⁴⁷⁸ His lands, the greater part of which was not held of the earl of Morton, were in ward for an indeterminate period after his death.⁴⁷⁹

In Kirkcudbrightshire one freehold tenant in the earl's barony of Preston is known: John Rerrick of Dalbeattie who held ten poundlands of Airdrie until before 27 January 1490/1, on which date the earl directed the infeftment of Fergus Rerrick therein as heir to his father.⁴⁸⁰

The position of the barony of Mordington in Berwickshire during the earl's life is not clear: he did not apparently take sasine of it in the late 1450s, and yet it appears as one of the properties in which the second earl of Morton was to be seized in 1493.⁴⁸¹ Probably only part of the barony remained with the earl, for there is a Robert Douglas of Mordington in 1444⁴⁸² and a William Douglas of Mordington in 1480/1.⁴⁸³

In Fife, aside from the abbot and convent of Inchcolm,⁴⁸⁴ Aberdour Hospital⁴⁸⁵ and a number of incidentally mentioned indwellers of Aberdour⁴⁸⁶ - including William and David Gifford⁴⁸⁷ - there are three known tenants: Walter Arnot, Thomas Mutrie of Markinch and sir William Bell, chaplain. Arnot was granted Wester Balbarton - part

477. Enoch is Nat. grid ref. NS 878009.

478. NLS, MS 73, no. 2.

479. ADC, 90*. His son and his 'nevo and are', both Robert, are found in 1479 and 1489/90 respectively: ADC, 40, 133. It is not clear that either was out of ward on these dates.

480. SRO, RH 6, no. 563.

481. SRO, GD 150, no. 234.

482. Ibid., no. 6.

483. Ibid., no. 191.

484. RMS, ii, no. 1455.

485. Mort. Req., ii, 235-43.

486. Ibid.; SRO, GD 150, no. 201. Among these was the earl's 'familiar and beloved' sir John Scott, vicar of Aberdour, at whose instance a hospital was founded there, and who resigned land in the town in the earl's hands in favour of the hospital before 9 July 1474; Mort. Req., ii, 236.

487. See above, pp. 157, 170.

of Morton's group of properties in the constabulary of Kinghorn - on 30 December 1483 under reversion.⁴⁸⁸ The reversion was renewed in conjunct infeftment of Arnot and his wife on 15 November 1486.⁴⁸⁹ Mutrie held Seafield and half of Tyrie until his death in 1491, whilst Bell was granted a half cotland in Aberdour by the earl on 20 September 1484.⁴⁹⁰⁴⁹¹

As to those who were favoured with the earl's or his father's patronage by no means all are known. Out of eleven chaplainries, canonries or prebends of Dalkeith Collegiate Kirk including the provostry⁴⁹² it seems possible to identify incumbents of seven - that is to say a total of nine or ten individuals who held the benefices during the earl's tenure of his inheritance, of which the men seemingly closest to the earl have already been mentioned.

The provost of Dalkeith at the time of the fourth lord's succession was sir Thomas Jaffray, who witnessed James Douglas's sasines in Dalkeith on 10 and 14 September 1456.⁴⁹³ He no longer held the provostry on 4 January 1463/4, by which date Master Alexander Gifford had taken over. It is possible, however, that he was then still connected with the earl, for a sir Thomas Jaffray, chaplain, is found as a witness of the same resignation in the earl's hands attested by Gifford on 4 January 1463/4.⁴⁹⁴ Gifford was still provost in September 1469, but he is not found holding the office thereafter.⁴⁹⁵ The next provost, Master

488. SRO, GD 150, no. 198.

489. Ibid., no. 210.

490. SRO, GD 26/3, no. 796. He was succeeded by his son John in that same year.

491. SRO, GD 150, no. 201.

492. Mort. Req., ii, 226-35, 324-8.

493. SRO, GD 150, nos. 114, 116.

494. Ibid., no. 131.

495. Ibid., no. 145.

Patrick Rule, does not appear until 1478,⁴⁹⁶ and he is absent from witness lists of the earl's writs.

Aside from Master William Gifford, one of the two prebendaries of Spitalhaugh and Ingraston in the late 1480s,⁴⁹⁷ and William Henderson, prebendary of Horsburgh in 1488,⁴⁹⁸ the known incumbents of particular prebends established in 1406 are limited to three: Patrick Gifford, who might well be taken as a kinsman of the earl, prebendary of Quilt and Fethan when witnessing a sasine in Dalkeith on 9 November 1482;⁴⁹⁹ William Colden, prebendary of Lochurd when witnessing the second earl of Morton's sasine on 10 September 1493;⁵⁰⁰ and David Colden, the other prebendary of Spitalhaugh and Ingraston in 1487. David Colden's tenure is known only because it was contested by one John Lister, the outcome being unrecorded.⁵⁰¹

Sir John Balcaskie had been prebendary of Lochurd on 25 January 1449/50,⁵⁰² but was not so when he witnessed James Douglas's sasines in Dalkeith in September 1456, having by then become dean of Haddington.⁵⁰³ Two other prebendaries of the original prebends are revealed in the instruments of these sasines: sir John Burnett, who may still have been a prebendary in 1468,⁵⁰⁴ was a witness on both occasions, whilst Master Patrick Robson comes to light because part of his property occupied the old messuage of the barony of Dalkeith.⁵⁰⁵ The prebends of neither of these men, nor of sir John Cant, described as prebendary of Dalkeith and confessor to

496. SRO, GD 267/27, bundle 77.

497. See above, p.169. Two prebends were created out of the joint issues of Spitalhaugh and Ingraston in 1406: Mort. Req., ii, 324-8.

498. See above, p.179.

499. SRO, RH 6, no. 503.

500. SRO, GD 150, no. 237.

501. Cal. Papal Letters, xv, 100-1.

502. Mort. Req., ii, 211-13.

503. SRO, GD 150, nos. 114, 116.

504. Yester Writs, no. 139.

505. SRO, GD 150, no. 114.

Queen Margaret in 1475,⁵⁰⁶ are known.

With the exception of Master Alexander Gifford, parson of Newlands from at least 1475,⁵⁰⁷ the incumbents of the prebends created at Morton's request cannot be discovered. Indeed, Gifford's own status as a prebendary is merely inferred because he retained the parsonage of Newlands, one of the new prebends, after the augmentation of Dalkeith in 1477.⁵⁰⁸ The only other known holder of a parsonage in the earl's patronage before 1477⁵⁰⁹ is Gifford's predecessor in Newlands, John Laing⁵¹⁰ - although any contact that he, the bishop of Glasgow from 1474 until 1483,⁵¹¹ had with the earl during his varied career is unrecorded. As for the vicar-pensioner required for Newlands, Kilbucho and Mordington under the terms of the augmentation of Dalkeith, there are no names to be found,⁵¹² and it can only be guessed that Morton was the patron of the vicarage of Dalkeith, created in 1467,⁵¹³ and that he had promoted the cause of John Wood, incumbent thereof when John Douglas took sasine of the earldom in 1493.⁵¹⁴

Thus, simply noting the existence of the earl's tenants and clerics occupying benefices in his patronage is as much as can be done in most cases; there are few beyond his kinsmen for whom evidence of service and attendance is sufficient to allow them confidently to be classed as the earl's parttakers. Much the same can be said of the large number of incidental witnesses of

506. Cal. Papal Letters, xiii, 645.

507. Ibid., 470.

508. See above, p.171.

509. These are taken to have been Kilbucho, Mordington and Newlands: Cowan, Parishes, 96, 151, 156.

510. He is found styled thus as a witness of royal charters between 6 June 1472 and 29 Nov. 1473: RMS, ii, nos. 1062-152.

511. Watt, Fasti, 149.

512. Mort. Req., ii, 226-35.

513. Cowan, Parishes, 44.

514. SRO, GD 150, no. 237.

the earl's writs,⁵¹⁵ whose fleeting presence with him cannot reasonably be translated into anything approaching affinity. Most are confined to a handful of variously untypical writs, and for most there is good reason why such a translation should not be attempted.

A certain category, however, presents some difficulties. To say that an individual was principally an associate of James Gifford of Sheriffhall does not deny that he could also have been a supporter of Morton, particularly as Gifford, except for his treason, was himself clearly connected with the earl.⁵¹⁶ Moreover, the idea that a man's supporters would become supporters of that man's lord is enshrined in the wider body of bonds of manrent.⁵¹⁷ However, for the purposes of isolating the earl's personal following, and with Gifford's apparent disloyalty in 1483 in mind, it is as well to distinguish a number of men whose names only appear in writs in which Gifford was a key figure.

David Bride witnessed three sasines in Dalkeith in 1478 and 1478/9, of which two were given by James Gifford of Sheriffhall as

515. For this purpose not only the earl's charters, but also the sasine of Robertson, given personally by the earl (SR0, GD 150, no. 144); the writs anent the arbitration between him and Henry Livingston (*ibid.*, nos. 171-2) and James Gifford of Sheriffhall (*ibid.*, no. 194); reversions (*ibid.*, nos. 198, 210; *Mort. Req.*, ii, 216-17), resignations (*ibid.*, 219-21, 222-4; *Prot. Bk. Young*, no. 313; SR0, GD 184, nos. 15, 18, 21; GD 150, nos. 131, 139, 178, 207) and bonds of manrent (*ibid.*, nos. 142, 209; *Mort. Req.*, ii, 222-4, 245-7; NLS, MS 73, no. 2) made to the earl and resignations made by him (*RMS*, ii, no. 993 (3); SR0, GD 150, no. 232); the letters of new erection of Dalkeith Collegiate Kirk (*Mort. Req.*, ii, 226-35); and all sasines given in Dalkeith on the earl's behalf (SR0, GD 150, nos. 179-81, 183, 216 and RH 6, no. 503) are taken into consideration. No comprehensive attempt has been made to examine the witnesses of the future earl's own sasines in his inheritance in 1456-8, or of any sasines involving Morton, his son, or his tenants outside Dalkeith where the earl was not present.

516. See above, pp. 150-6.

517. Brown, 'Bonds of Manrent', 67-71.

bailie,⁵¹⁸ and the other was given to the same James Gifford.⁵¹⁹ In the same period Bride was at Sheriffhall with Gifford on two occasions,⁵²⁰ and in 1482 he witnessed Gifford's bond of manrent to the earl and the associated letters of discharge and acknowledgment.⁵²¹ If this hints that he was more Gifford's man than the earl's, there seems to be corroboration in the accusation by one Henry Preston, made on 9 October 1483, that Bride and four others had spuilzied from him eighty ewes, a horse and a pair of brigantines (breast- and back-plates) for the use of James Gifford of Sheriffhall.⁵²²

Bride, who cannot be traced after 1483, is the most likely case of one of Gifford's men being found in the earl's company in the late 1470s and early 1480s, but there may well be others who can be fitted into this category. The earl's charter to Gifford of Sheriffhall on 30 September 1478⁵²³ reveals a number of untypical witnesses: aside from the Crichtons already dismissed with regard to any long-term association with the earl,⁵²⁴ and a possible parttaker, David Boswell of Balmuto,⁵²⁵ there were Walter Tweedie of Drumelzier, John Veitch of Dawyck and Alexander Jardine. Tweedie's and Veitch's presence was probably pure chance,⁵²⁶ but Jardine may have been the son of the laird of Applegarth and spouse of one Janet Crichton,⁵²⁷ and was perhaps a supporter of the exiled

518. SR0, GD 150, nos. 180-1, 183. The sasines of Master Thomas Gifford and his son, given on the same day, are classed as one.

519. Ibid., no. 179.

520. Ibid., nos. 182, 184.

521. Ibid., no. 195; Mort. Req., ii, 244-7.

522. ADA, 117*.

523. SR0, GD 150, no. 182; NLS, MS 72, fo. 122r-v.

524. See above, pp. 154-5.

525. See above, p. 186.

526. Drumelzier and Dawyck are in Peeblesshire, Nat. grid ref. NT 135342 and 168352 (Dawyck Ho.).

527. ADC, 99*. If so, he was dead by 25 Jan. 1484/5.

earl of Douglas.⁵²⁸ Untypical witnesses are also found at Gifford's sasine and resignation on 22 October 1478⁵²⁹ and at sasines given by him a week later.⁵³⁰ Some of these were almost certainly simply indwellers of Dalkeith who happened to be present, but this is clearly not the case with the Crichtons present, and it is notable that Nicholas Elphinstone of Selms, sir John Bla, priest, and David Tealing were later at Sheriffhall with Gifford.⁵³¹ Less easy to dismiss are Robert Innerwick and Gilbert Tweedie, two of the party which acted for Gifford against Henry Preston.⁵³² Both are found in Dalkeith after 1483, Tweedie as a servant of the earl⁵³³ and Innerwick as a witness of a sasine in 1488.⁵³⁴

Separating most other incidental witnesses from the earl's affinity presents fewer problems. Documents concerned with the earl's Dumfriesshire tenants - the charters to the Grahams of Meskeswra in 1465 and 1475⁵³⁵ and the reversion by John Graham of Gillesbie in 1471⁵³⁶ - reveal the sole known occasions for seven individuals, perhaps all from the Grahams' vicinity, to have been in the earl's company.⁵³⁷ Precisely why such men should have appeared in Dalkeith is unclear; interest in the affairs of a laird from their own region seems a flimsy cause. Writs involving the Livingstons of Mannerston - Margaret Livingston's resignation in

528. Nicholson, The Later Middle Ages, 496, 514 n.294; Macdougall, James III, 191.

529. SRO, GD 150, nos. 178-9.

530. Ibid., nos. 180-1.

531. Ibid., nos. 182, 184; NLS, MS 72, fos. 122r-123r.

532. ADA, 117*. Tweedie also witnessed a charter given by James Gifford of Sheriffhall in 1475: SRO, GD 97/2, no. 26.

533. See above, p. 187.

534. SRO, GD 150, no. 216. By this time, however, Gifford may have been rehabilitated.

535. See Table III below, p. 370.

536. Mort. Req., ii, 217.

537. Robert Crichton of Sanquhar and his younger son Laurence (RMS, ii, nos. 756, 926), Laurence Lockhart, James Dunbar of Derechester, Henry Kirkpatrick of Knock, William Fraser of Fruid and Thomas Moffat of Knock. Fraser was a tenant of David Hay of Yester: Wigtown Charter Chest, nos. 408, 417, 430.

the earl's hands on 4 January 1463/4, the decret upon the arbitration between the earl and Henry Livingston delivered on 22 January 1477/8 - and the Browns of Hartree throw up a quantity of names of witnesses in Dalkeith which similarly do not recur.⁵³⁸ Witness lists for James Livingston's bond of manrent,⁵³⁹ Walter Arnott's reversions to the earl,⁵⁴⁰ the sasine of John Douglas in Robertson,⁵⁴¹ the letters of new erection of Dalkeith Collegiate Kirk,⁵⁴² the agreement between Morton and Gifford of Sheriffhall to submit to arbitration⁵⁴³ and the resignations by Morton to Douglas of Whittingehame and vice versa,⁵⁴⁴ by Morton in favour of his son,⁵⁴⁵ and by Nicholas Elphinstone in favour of his brother,⁵⁴⁶ are also characterized in this way - less surprisingly, perhaps, because all were drawn up furth of Dalkeith. This leaves only John Cranston, Sir Thomas Cranston of that ilk, James Gibson and John Waugh and the curiously named Robert Schaup as incidental witnesses of the earl's charters at Dalkeith,⁵⁴⁷ and except for the first-named there is nothing more to be said of their association with the earl.⁵⁴⁸

538. SRO, GD 150, nos. 131, 172; GD 184, nos. 15, 18-19, 21-22.

539. SRO, GD 150, no. 209.

540. Ibid., nos. 198, 210.

541. Ibid., no. 144.

542. Mort. Req., ii, 235.

543. SRO, GD 150, no. 194.

544. RMS, ii, no. 993 (3); Mort. Req., ii, 220.

545. SRO, GD 150, no. 232.

546. Prot. Bk. Young, no. 313.

547. See Table III below, p. 370.

548. John Cranston appears to have witnessed the future earl's sasines in Dalkeith, Kilbucho and Edmonston: SRO, GD 150, nos. 114, 117, 123.

An examination of the charters and wills of Morton's great-grandfather, the first James Douglas of Dalkeith, has revealed an affinity in which featured prominently his four brothers, his nephew, one of his sons-in-law and four others from outside his family, and a household composed of a quantity of servants of uncertain provenance.⁵⁴⁹ Direct links between the followings of the first and fourth James Douglasses are not easily found, for although the names Graham, Brown, Tweedie and, latterly, Gifford do occur among the charter witnesses and legatees of James Douglas (I), connexions with the descendants of his chief supporters - the four Douglas brothers, John Livingston of Callendar, James Douglas of Strathbrock,[†] William Monypenny, Robert Livingston of Drumry and Andrew Ormiston - do not seem to have survived until 1456. However, it would appear that in general terms little had changed. The same prominence of kinsmen - in Morton's case not brothers, for he had none,⁵⁵⁰ but chiefly his maternal uncles and cousins - and the same lack of non-kinsmen tenants are evident. It also seems that, if the status of followings can be judged by the status of its members, then the affinity of the lord of Dalkeith waxed little in splendour under the first earl of Morton.

With whom the earl surrounded himself was, of course, a matter entirely of his own choice; no-one is obliged to be ambitious, and there is no reason to expect that his elevation to the peerage necessitated a grander network of supporters - particularly as no additional lands came with the title. Nevertheless, Morton's affinity does seem to have been very restricted in character when

549. Grant, 'The Higher Scottish Nobility', 332-5.

550. SP, vi, 363.

[†] Strathbrock is now Uphall, West Lothian.

set against his landed wealth and favourable situation.⁵⁵¹

A distinction should be made between the earl's household and his wider affinity, but here a problem arises because Morton was apparently so rooted to Dalkeith, making it impossible to determine who would ride with him or who would attend him upon arrival at another place. This leaves attendance upon the earl in Dalkeith as by far the principal criterion for distinguishing his adherents. However, whether or not this gives a balanced picture, it suggests firstly that the bulk of Morton's associates were either clerks or, for want of a better term, squires, and that he would probably have enjoyed the adherence, and often the presence, of around five or six of the former group⁵⁵² and between eight and eleven of the latter at any one time.⁵⁵³ These individuals can mostly be regarded as making up the earl's household, or at least as indwellers of Dalkeith.⁵⁵⁴

Beyond the household there were firstly the earl's permanent agents and officers of his estates. Such individuals are ill-documented and little can be said about them, other than that they seem mostly to have been of a sub-laird class.⁵⁵⁵ Also taken to

551. See above, pp. 135-7.

552. Master James Douglas and sirs Robert Halliwell, William Tynningham and perhaps James Kinbuck seem roughly to belong to the first half of Morton's career, and Master William Gifford and sirs William Henderson, John Harvie, Edward Mole and possibly John Chalmers to the second half. Master Alexander Gifford is found through most of the earl's career.

553. A similar approach approximately places William and John Gifford, Nicholas Watson, Robert Squire and James Tweedie as earlier associates of the earl, with the earl's second son, James, Master Thomas Gifford, William Borthwick, Mark and John Dunbar, Robert Simpson, Thomas Chalmers, Gilbert Tweedie, and Robert Harvie emerging during a later period, and Archibald Todrick, chamberlain Thomas Harvie and perhaps Henry Chalmers connected to Morton over a long period.

554. This is least likely to be true of Archibald Todrick, a burghess of Edinburgh, and William Gifford, an indweller in Aberdour. Among the others there may have been bonds of kinship to add to that created by their common lord; there is a notable recurrence of the surnames Harvie, Dunbar, Tweedie and Chalmers.

555. See above, pp. 185-7.

be outwith the household, but because of their independent means, are the lairds whom the earl could boast among his adherents. During the first half of his career, and this requires a good deal of allowance to be made, they can barely have numbered more than seven: James Gifford the elder of Sheriffhall, Patrick Cockburn of Newbigging, Patrick Graham of Elvingston, Laurence Elphinstone of Selms, and from further afield Walter Hunter of Polmood, David Boswell of Balmuto and William Brown of Hartree.⁵⁵⁶ During the second half of Morton's career this number dwindles: Gifford, Hunter and Cockburn were all dead by 1474, with Graham and Elphinstone probably following them in the late 1470s, and to replace them there were only Gifford's son and the earl's own son John Douglas of Roberton. This assessment represents no great increase upon the number of lairdly associates of James Douglas (I).⁵⁵⁷

The earl created no new lairds and the lairds among whom he might have found potential supporters - his other kinsmen and tenants - and, so far as evidence allows, did not, are legion. One reason behind this is not difficult to discern: Morton appears to have made almost no major alienations of land and few concessions in terms of tenure during his career. Most of his charters to individuals involved the renewal of heritable fiefs and a few involved gifts of lands newly fallen into his hands. The fortunate

556. The evidence for Elphinstone, Boswell and Brown is particularly dubious; none is known to have come to Dalkeith on other than their own business, whilst Boswell is not even known to have been a tenant of the earl, and Brown's case rests as much upon his sons' late appearance with the earl and association with the second earl as upon anything he did himself: see above, pp. 175-6 and below, p. 211. No attempt is made to interpret how such men as Maxwell of Tinwald, who was with the second earl in Edinburgh in 1504, and the Grahams of Meskeswra and Gillesbie, who attended the second earl's sasine by attorney in Hutton in 1493, viewed their relationship with Morton: Prot. Bk. Young, no. 1442; SR0, GD 150, no. 238, and see above, pp. 186, 195.

557. Seven or eight lairds can be found among James Douglas (I)'s men, although this total concerns the whole of his career: Grant, 'The Higher Scottish Nobility', 332-5.

recipients of land which they had not formerly possessed were Archibald Todrick, William Graham of Meskeswra, Master Thomas Gifford and his son John, James Gifford of Sheriffhall, sir William Bell and Hugh Douglas of Borgue. None of the gifts amounted to a great deal, and most cost the earl nothing.⁵⁵⁸

The gifts to Douglas and James Gifford seem both to have been genuine alienations,⁵⁵⁹ though Gifford's was in consideration for his resignation of the constabulary of Dalkeith Castle and his renunciation of Cuil. Blench farm tenure was the privilege of Shiel of that ilk, who had always held in this manner,⁵⁶⁰ and Brown of Hartree, Douglas of Borgue and Gifford of Sheriffhall, to whom the earl did himself willingly concede favourable terms of possession.⁵⁶¹

Morton was thus little interested in rewarding service by creating or reinforcing tenurial ties. Moreover, most of his tenants were probably of long-standing, and had had ample time for any sense of obligation or gratitude for a long-ago gift to evaporate.⁵⁶² Indeed, the evaporation may have taken place during the earl's lifetime in some instances, such as Hunter of Polmood and Cockburn

558. See Table III below, p. 372. The charters to Todrick, Graham, Thomas and John Gifford and Bell followed resignations. The gift to Thomas Gifford under the terms of his bond of manrent was of land in ward.

559. Douglas's ten merklands in Elvingston may have fallen to the earl after Patrick Graham's death: Prot. Bk. Young, nos. 1442-4. Whitfield in Linton, whereof Gifford was only granted two-thirds, was worth seven merks earlier in the century; Glenmoith, which he was given only in tack, was worth twenty merks: SR0, GD 150, no. 100 (a), 2nd membrane.

560. SR0, RH 6, no. 255.

561. Blench farm tenure was accorded the Livingstons of Mannerston, but not willingly: see above, pp. 161-3.

562. The tenancies of the Livingstons of Mannerston, Shiel of that ilk and Graham of Cairnmuir certainly dated from at least the 1420s: SR0, GD 120/I, no. 1; GD 150, no. 91; RH 6, no. 255. Of the other tenandries it may be that only Mordington and Stonypath had yet to be disposed of by the time of the incomplete and undated but pre-1439 Dalkeith rental: SR0, GD 150, no. 100 (a), 1st and 2nd membranes.

of Newbigging, where the apparent attachment of the father to the earl was not reproduced by the son. Divided loyalty may also have played a part; Douglas of Borgue, Forrester of Drylaw, Hunter of Polmood, Livingston of Mannerston, Martin of Midhope and Menteith of Kerse all held land of other lords, and in most cases are likely to have had more substantial holdings than they held of the earl.⁵⁶³

That the earl was not a fount of material patronage is supported by the fact that, interested though he was in the religious foundations under his wing, Aberdour Hospital and Dalkeith Collegiate Kirk were endowed or re-endowed at slight expense. The former was founded upon a handful of acres in Aberdour,⁵⁶⁴ and the latter's augmentation was accomplished by the careful division of issues which were not in Morton's hands in the first place.⁵⁶⁵

To say that Morton's affinity was substantially based upon kinship rather than land is largely true, but slightly misleading.⁵⁶⁶ The importance of the Giffords is undeniable, and their attachment to the earl did elicit some limited material reward, but it is highly likely that their previous service - that is, their assistance during the tutory of Morton's father - was as significant for the earl as their kinship. For Mark Dunbar, Archibald Todrick and William Borthwick it is probable that distant kinship was invoked as a formal bond where service already existed. More important, there were plenty of kinsmen, both closely and distantly

563. Menteith's lands were mainly held of the king (ER, ix, 676; RMS, ii, no. 1897), but his apparent heir had a fee from Lord Fleming: ADC, 133.

564. Mort. Req., ii, 235-43. The project was certainly not a success: Cowan and Easson, Religious Houses, 195.

565. Mort. Req., ii, 226-35.

566. 95 out of 184 attestations of Morton's charters were by kinsmen: see Table III below, p. 370.

related to the earl, who played no obvious part in his affairs. These include Hugh Douglas of Borgue, together with his son and one of his brothers; William Douglas of Whittingehame, his brother⁵⁶⁷ and his son; Patrick Graham of Cairnmuir and his brother; the earl's son-in-law Patrick Hepburn of Dunsyre; any kinsmen of the earl's daughter-in-law, Janet Crichton; the Douglasses of Mordington; and the Douglasses of Lochleven.⁵⁶⁸

In this respect the earl's affinity was more narrowly based upon a select body of kinsmen than was his great-grandfather's, and it is plainly as unrealistic to see the earl as the head of his wider kindred as it is to see him as leader of his whole tenantry. Nor does he seem to have developed any rôle as the chief lord of his region, showing that the prestige attached to possession of an honorific earldom was not bound to be converted into authority.⁵⁶⁹ No doubt his regional influence increased at times with the holding of local office by some of his men, but unfortunately his elder son's period as sheriff of Edinburgh was brief and ended in disgrace and Patrick Cockburn of Newbigging, sheriff-depute of the constabulary and bailie of the burgh of Haddington, was dead by 1470. The earl seems to have been unable to secure office for any others of his associates, with the possible exception of William Brown of Hartree, as a sheriff-depute of Peebles.

567. ADA, 51.

568. SP, vi, 366-7.

569. The only slight suggestion of such regional lordship is found in the earl's seeming reception at Dalkeith in November 1468, of Robert, Lord Fleming and Sir David Hay of Yester, who were seeking to determine which of them had the patronage of the kirk of Biggar: Yester Writes, no. 139. However, if possession of the barony of Biggar was also at issue, the earl would also have had an interest in the matter as tenant of one or other of them in the lands of Edmonston: SRO, GD 150, no. 123; Wigtown Charter Chest, nos. 409-10, 416-17.

Some explanation can be offered for this state of affairs. The one obvious goal of the first earl of Morton, the attainment of which seems to have occupied his attentions until at least 1474, was to overcome the consequences of his grandfather's injudicious generosity and reassemble and protect the Dalkeith patrimony. Relations with the Douglasses of Borgue and Whittinghame, men who were obstacles to this end, were thus directly affected for the worse. Indirectly this goal may well have precluded any political ambitions which the earl might have entertained, unless, as with the marriage scheme of 1466, politics could be used in achieving his aims. In turn, with limited aspirations he would be unlikely to require a particularly grand affinity, and certainly, being cut off from royal patronage he would have had no extra resources from which to reward his parttakers. In addition, Morton's determination to recover Morton, Whittinghame, Buittle and Kingscavil may hint at a rather more serious impoverishment; not only did the earl avoid alienating land, he also struggled to avoid conceding blench farm tenure to Livingston and Martin, destroyed writs infefting David Gifford, made use of lands already given to Graham of Meskeswra, wadset lands to John Graham of Gillesbie and Walter Arnott for eighty and two hundred marks respectively, failed to pay John Todrick's annual rent for ten years, and began exploiting the coal measures under his land.⁵⁷⁰

This is not to say that Morton's general attitude was misguided; he left his son more property than he had inherited himself, and his

570. The third earl referred to his grandfather as having worked the coals under Dalkeith and Cowden: Mort. Reg., ii, 259. There seems to be no context of general magnatial impoverishment at this time in which to set Morton's conservatism: Grant, Independence and Nationhood, 133.

rather sparing efforts at good lordship may have borne some fruit. Morton's bonds with Hugh Douglas of Borgue, James Gifford of Sheriffhall and James Livingston of Mannerston seem to have brought either the bond makers themselves or else their sons into attendance upon the second earl of Morton,⁵⁷¹ and John Douglas was also left with such loyal associates as Master William Gifford, William Borthwick, William Henderson and the sons of the laird of Hartree.⁵⁷²

571. SR0, GD 150, nos. 256, 773; RMS, iii, no. 1886, v, no. 176; Prot. Bk. Young, no. 1442.

572. SR0, GD 150, nos. 237-8, 256; RMS, iii, no. 1886, v, no. 176.

CHAPTER FIVE

THE COMPOSITION OF THE MAGNATIAL AFFINITY,
III : THE DUKE OF ALBANY

Alexander Stewart, duke of Albany, earl of March, lord of Annandale and Man¹ and, albeit briefly, earl of Mar and Garioch,² is not a typical example of the later fifteenth-century nobility. As a noble of the royal house he was one of a small minority following James I's assault upon his kinsmen.³ As a king's brother he was part of a yet more select group,⁴ and in bearing the ducal title revived for his benefit by his father, James II, was set above the rest of the peerage.⁵ The dukedom created to go with his title was a royal appanage made up of estates that had fallen to the crown in the recent past and which automatically endowed

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1. The dates of his acquisition of these titles are not precisely known. He is said to have been born about 1454 and is referred to as earl of March on 18 July 1455 and the earl of March and lord of Annandale on 4 Aug. following: ER, vi, 65; APS, ii, 43; SP, i, 151. He had been created duke of Albany by 3 July 1458; ER, vi, 441. His lordship of Man remained purely honorific, in spite of James II's efforts: Macdougall, James III, 42-43.
 2. This, his late brother's earldom, was granted to him 29 Sept. x 10 Oct. 1482: RMS, ii, no. 1541 & n. Albany was stripped of this and his other titles by his forfeiture on 8 July 1483; APS, ii, 151-2.
 3. A. Grant, 'Earls and Earldoms', 33-34. The truncation of various cadet branches of the royal house - not all of which were extinguished by James I - can be seen for example in Nicholson, The Later Middle Ages, 617 (App. 2, genealogical table B).
 4. It was very unusual between the reigns of Robert II and Charles II for the monarch to have a brother of mature years: G. Donaldson, Scottish Kings (London, 1967), 111.
 5. The fifteenth century saw three other royal dukes who were not the king's son and apparent heir (who began at this time to be distinguished as duke of Rothesay) - two earlier dukes of Albany (d. 1420 and 1425) and a duke of Ross (cr. 1487/8, d. 1502/3). There was also a non-royal duke - the fifth earl of Crawford and duke of Montrose (cr. 1488, d. 1495): SP, i, 21, 146-50; iii, 22; vii, 245-6, 312-13.

him with a position of great importance on the border while making his appointment as warden of the East and West Marches seem entirely natural.⁶ His appanage intruded him into a region where, until the mid-fifteenth century, the Stewarts had had almost no material interest⁷ and also distinguished him from the bulk of the later fifteenth-century nobility, whose families had long enjoyed possession of genuine patrimonies.⁸ Added to this he was twice summoned to answer charges of treason, being found guilty and suffering forfeiture on the second occasion.⁹ All of this makes figures strictly comparable to the duke hard to find in the fifteenth century - still more so during his own lifetime.

These factors which set Albany apart also have some bearing upon any examination of his affinity. Scrutiny of his parttakers can be expected to offer little help in determining the importance of kinship in the magnatial following, for it is doubtful whether a distinction can be drawn between the duke's kinsmen and those of his brother, James III.¹⁰ Furthermore he had no family tradition

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6. It was made known on 4 Aug. 1455 that these offices were reserved for him: APS, ii, 43. He also became admiral of Scotland, holding this office and the wardenships from no later than 1473: SR0, GD 219/37.
 7. The Stewartry did include a limited amount of land in the central and eastern borders: G.W.S. Barrow, The Kingdom of the Scots (London, 1973), 351-4.
 8. There were other new peerages created, but they were normally founded upon existing possessions: Grant, 'Earls and Earldoms', 36-37.
 9. APS, ii, 125-6, 151-2.
 10. Albany's first marriage, to Catherine Sinclair, - dissolved on 9 March 1477/8 - produced no noticeable affinity between the duke and his father-in-law, William, earl of Orkney and Caithness, or any of the latter's family: APS, ii, 283, 388; RMS, iii, no. 111.

of locally-based lordship upon which to build; he was in no sense an heir to the two previous dukes of Albany,¹¹ and in March and Annandale there was hardly a tradition even of royal lordship, for these fiefs had only become crown property in 1435 and 1440, upon the forfeiture of the last Dunbar earl of March and the death of the sixth earl of Douglas respectively.¹² It would seem, therefore, that any affinity drawn from these areas, with the exception of any royal officers already operating within the component parts of his dukedom, would have to be Albany's personal creation.¹³ If an inherited affinity cannot be observed in Albany's case there is no more prospect of viewing the extent to which he was able to pass on his parttakers to his successor. Forfeitures could certainly be rescinded in late-medieval Scotland - if infrequently in favour of those forfeited, fairly regularly in favour of their heirs.¹⁴ Reinstatement did come the way of Albany's son and heir, but it was a long time taking effect; John Stewart was not able to reclaim the dukedom until 1515.¹⁵ Albany's proscription might have lasted even in normal circumstances, but his accidental death in 1485¹⁶ - two years after doom of forfeiture had been pronounced - and the illegitimacy and youth of his offspring conspired to assist its efficacy.¹⁷

11. The previous dukes of Albany had been earls of Fife and Menteith: Grant, 'Earls and Earldoms', 32-33.

12. Nicholson, The Later Middle Ages, 319, 331.

13. Two royal officers in the earldom of March might be identified as 'inherited' by Albany: see below, pp. 224-5, 236-7.

14. Permanent forfeitures were the exception between the reigns of James III and James VI: Wormald, Court, Kirk and Community, 29.

15. Donaldson, James V-VII, 18-19. He was, however, recognized as duke of Albany by 1511: James IV Letters, no. 347.

16. This was apparently the result of a mishap whilst jousting with the duke of Orleans: Nicholson, The Later Middle Ages, 517.

17. His children by his dissolved first marriage were evidently held to be illegitimate: APS, ii, 283, 388; RMS, iii, no. 111. His son and heir by his second marriage - which took place on 19 Jan. 1479/80 - was probably less than five at the time of his father's death: SP, i, 153-4.

Continuity and kinship are thus of slight relevance in an examination of the duke of Albany's affinity. The same is true of bonds of manrent, not a single example of which is known to have been given to the duke.¹⁸ However, so far as simple identification of supporters is concerned, such an examination is greatly encouraged by the existence of a form of evidence rarely available for late-medieval Scotland.

Though efforts can be made at artificially reconstructing magnatial affinities with the sort of piecemeal evidence thus far employed, there does exist in a handful of cases evidence which is often more unified and is apparently unequivocal in setting out the names of given magnates' parttakers.¹⁹ The affinity of the duke of Albany is thus favoured simply because various persons were held to have accomplices in his alleged or actual treasons. This results in the names of arguably the duke's most committed supporters appearing in sources where they would not otherwise have been found. Such evidence cannot be expected to vouchsafe a complete picture by itself, but it can be compared and used in conjunction with the evidence provided by charter witness lists. Where this has been done, as in the case of the fourth earl of Douglas, the

18. None of the bonds in which he engaged in 1482-3 is known to have been specifically of manrent: see below, pp. 274-8.

19. A study has been made of the followings of the earl of Mar (c.1405-35), using lists given by Wyntoun, and of the fourth earl of Douglas, using lists of hostages who spent time in England on his behalf: Grant, 'The Higher Scottish Nobility', 329-32, 335-7. The extensive lists given in English safe-conducts of those entitled to travel in company with the eighth and ninth earls of Douglas might also repay investigation: Rot. Scot., ii, 343, 346, 362.

evidence from the two types of source corresponded to a significant extent.²⁰ In Albany's case the degree of correspondence between witness-lists and the apparently unequivocal evidence is slight, and this requires some explanation.

The apparently unequivocal naming of members of Albany's following comes substantially from parliamentary record. Firstly there is the list of those who were forfeited for their defence of Dunbar Castle against the king's forces: twenty-one individuals whose summons to compear before parliament was commanded on 11 June 1479, carried out three days later, and followed by doom of forfeiture given in their absence on 4 October 1479.²¹ Associated with this group are the persons, more than twenty in number, upon whom letters of summons were also issued on 11 June 1479, with the summons being carried out on 15-17 June.²² Most if not all of this group failed to compear to answer charges of complicity in Albany's treason, but instead of suffering forfeiture they were merely summoned repeatedly to no effect in continuations of parliament during the next two and a half years.²³ Albany himself was repeatedly summoned along with this latter group during his three years in exile, but there was no sentence passed on him. For the brief period of Albany's reappearance and rehabilitation in Scotland there are the names of five persons forfeited for treasonable assistance to him,²⁴ and

20. Grant, 'The Higher Scottish Nobility', 335-7.

21. APS, ii, 125.

22. Ibid., 128.

23. The vague 'more than twenty' is employed here because not all those cited on 11 June appear to have been summoned, and not all those summoned were subsequently mentioned in all the subsequent citations before parliament: ibid., 128-36, and see below, pp. 226, 232-3.

24. Ibid., 152, 160-3, 173-4. One of the five, William, lord Crichton, was accompanied in forfeiture by thirty-eight of his men. They are not treated here.

another seven accused by private individuals of destructive deeds committed whilst in the duke's company.²⁵ From beyond parliamentary record further names can be added from the list of nine men, mostly nobles and thus to be taken as allies rather than parttakers, given in the indenture between Albany and James III made on 16 March 1482/3,²⁶ and from a handful of respites offered to certain of the duke's associates.²⁷

If this useful body of information is compared with the more fragmentary evidence offered by charter witness lists, gifts, appointment of bailies and the like, it becomes clear that those who supported the duke in his treasonable activities did not include all those who associated with and served him in more peaceful circumstances. It does not even transpire that all those with any involvement in the duke's treason had normally served or attended him beforehand. In spite of Albany's untypical aspects, there is, therefore, something to be gleaned from his career anent the magnatial affinity - both in general and in the extent to which loyalty could withstand its greatest likely challenge: namely conflict with the king.

In dealing with the evidence it is helpful to make a distinction between Albany's career before his flight in 1479²⁸

25. ADC, 354 and ii, 305.

26. APS, Index and Supplement, 31-33.

27. RSS, i, nos. 121, 571, 1280, 1740; SRO GD 12, no. 62.

28. Beyond his own writs there is little information about the duke's career before 1479. A summary of known facts is given in Macdougall, James III, 128. The most notable event of his earlier life was his capture by the English in 1464: A.I. Dunlop, The Life and Times of James Kennedy Bishop of St Andrews (Edinburgh, 1950), 244-5 and n.

and after his return from exile in 1482. For the second and shorter part of his career in Scotland it seems firstly that he engaged in overtly political alliances with other peers - a move with no parallel before 1479 - and secondly that his treason in this period was manifest and, compared to that alleged in 1479, subject to no doubt.

The reasons behind James III's attack on the duke of Albany, and indeed upon the youngest of James II's sons, John, earl of Mar, are unlikely ever to be understood fully. It is not even clear that there was either a single cause of the king's hostility toward both brothers or any connexion between the siege of Albany's castle of Dunbar and the mysterious forfeiture and death of Mar, although these events took place soon enough one after the other to invite their association. December 1479 has been put forward as the likeliest contender for the month of Mar's death²⁹ whilst the siege of Dunbar can with some confidence be allotted to May of the same year.

The timing of the siege of Dunbar Castle is indeed one of the few matters concerning Albany's first expulsion to which some precision can be attached. Whether or not the story of the duke's imprisonment in Edinburgh Castle and his subsequent escape by sea to Dunbar is anything more than a sixteenth-century fabrication³⁰ it is apparent that the duke was at the seat of his earldom of March on 5 November 1478.³¹ He is next found in Dunbar Castle on 22 April 1479³² and was still in residence six days later.³³ His

29. Macdougall, James III, 130-3, 139; Nicholson, The Later Middle Ages, 485. Mar was still alive on 17 April 1479: SRO, GD 33/42, no. 1.

30. Macdougall, James III, 129, 281, 314-15.

31. Yester Writs, no. 193.

32. SRO, GD 267/32, bundle 10.

33. HMC Rep. Milne Home, 79, no. 173 (3).

agents in Berwickshire and East Lothian were still able to receive and act upon his precepts of sasine until the end of the month.³⁴ It is thus improbable that the castle had been invested before the end of April and it had most likely been taken by 22 May when letters of summons upon the duke were issued.³⁵

For their part the charges brought against Albany are not especially illuminating and it has been doubted whether the alleged crimes really amounted to treason.³⁶ That Albany was guilty as charged of truce-breaking is not implausible, and if correct he had abused his authority as March Warden and jeopardized the peace concluded with England in 1474. Nonetheless, even in the unlikely event that Albany was the only lord to have broken the truce, a response as violent as James's to this common enough crime is hard to find. Albany may indeed have had a hand in the slaughter of John Scougall,³⁷ but no motive for the deed can be discerned, and the crime was apparently not serious enough to be classed as murder. The

34. Ibid.; SRD, GD 267/27, bundle 67 and GD 158, no. 5.

35. APS, ii, 125-6. The summons was carried out at the gates of Dunbar Castle on 25 May, implying that the macer and the witnesses with him were not under fire. The defenders might have permitted the king's officers to carry out their duty - defenders of Crichton Castle in 1483 actually witnessed the execution of summons upon Lord Crichton on the same day that they were themselves summoned (APS, ii, 160, 164). It is possible that neither Albany nor his men fled until the summons had been served, but it is clear enough that the siege was in progress around 10 May; Sir John Colquhoun of Luss was killed at the siege around six weeks before 21 June 1479; Fraser, Colquhoun, ii, 297, 299; Macdougall, James III, 129. The date 1 May given for the execution of summons at Berwick-upon-Tweed is doubtless incorrect: APS, ii, 127.

36. APS, ii, 126; Macdougall, James III, 129.

37. This was probably the John Scougall of that ilk with whom Robert Inglis of Lochend, one of Albany's associates, had been in dispute: ADA, 33; see below, pp. 250-1.

charge of fortifying and holding Dunbar Castle against the king's majesty has scant relevance; Albany, like the forfeited Douglasses, had committed the heinous crime of defending himself when attacked by the king.³⁸ Perhaps some comment upon the nature of the charges lies in the fact that no doom was ever pronounced upon them, even though Albany's absence might have been sufficient admission of guilt.³⁹

Such judicial procrastination did not apply to the men who continued to defend the castle after Albany himself had taken ship for France. Parliament seems to have demanded their forfeiture, and this sentence was duly given on 7 October 1479.⁴⁰ The difference between their treatment and that of Albany and others summoned around the same time is perhaps explicable,⁴¹ but in the circumstances was of little immediate importance to the erstwhile defenders of Dunbar Castle. Unless the siege persisted until 14 June the captain of Dunbar and his men could never even have heard their summons, for it seems from a brief account in a near-contemporary chronicle that 'he and his stall away be the se' following which 'the king gat the castell'.⁴²

The same source identifies 'the lord of Bunterdail' as the captain of Dunbar Castle, and this is doubtless John Ellam of Butterdean, whose name heads the list of those forfeited for its

38. Macdougall, James III, 129; Nicholson, The Later Middle Ages, 370-1.

39. It was at the estates' request that judgment was postponed: APS, ii, 128.

40. Ibid., 125.

41. Macdougall, James III, 130; Nicholson, The Later Middle Ages, 486.

42. Printed in Macdougall, James III, 311-12 and Pinkerton, History, i, 502-4.

defence.⁴³ In addition to a fee which would be his due as captain,⁴⁴ Ellam evidently held Butterdean of the duke of Albany; the lands certainly lay in the earldom of March,⁴⁵ and though Ellam's sasine of the lands in 1457 is recorded as following a retour of the king's chapel it seems safe to assume that Albany's chapel was not at that time operating independently, the duke being then aged no more than three years.⁴⁶ Ellam is known to have witnessed four of the duke's charters, all given at Dunbar between 1475 and 1478.⁴⁷ The earlier date may indicate his becoming captain of the duke's castle. It is a little surprising that he did not attest the duke's charter of 22 April 1479,⁴⁸ although it is not improbable that he was absent securing munitions for the castle at the time. There are no clues as to his later career, but he was dead by 31 January 1488/9 when his son George recovered Butterdean by gift of James IV in spite of John Ellam's 'traitorous keeping of the castle of Dunbar against the late king'.⁴⁹

The remaining persons forfeited for the defence of Dunbar Castle are less satisfactorily documented — indeed, it seems impossible to say anything concrete about a single one of them. It is not even certain, though highly likely, that James Ellam, named second in the list, was a kinsman of the castle's captain.⁵⁰

43. APS, ii, 125.

44. Previous keepers of the castle had drawn a fee of 100 merks yearly, supplemented with £18 13s 4d of the fermes of Little Pinkerton and Newtonlees: ER, vii, 400-1, and see below, p. 342.

45. RMS, ii, no. 1826.

46. ER, ix, 666.

47. See Table IV below, p. 374.

48. SRO, GD 267/32, bundle 10.

49. RMS, ii, no. 1826.

50. APS, ii, 125.

The surnames of Gavin Manderston, James Edington, Adam Paxton and John Birgham suggest Berwickshire origins⁵¹ - there were freeholders in Berwickshire bearing the names Edington, Manderston and Paxton to whom their forfeited namesakes may have been related⁵² - and they may therefore have occupied lands in the earldom of March. William Herring, possibly himself a tenant in the earldom of March,⁵³ could well have been related to either or both of the Herrings who held land of the earl in Greenlaw and Chirnside,⁵⁴ and if so was probably present at the sasine, given on 22 June 1478 following Albany's precept, of Alexander Home of that ilk in the Parks of Chirnside.⁵⁵ John Bisset may have been heir to lands in Nisbet held of the duke and a kinsman of James Bisset, a later associate of Albany's.⁵⁶ Some other surnames - notably those of Richard Montague, John Blackbeard and John Greenwood,^{two of} which are unusual enough not to appear in the foremost work on the subject⁵⁷ - offer merely some hope that their bearers could be traced. Oswald Wardlaw might also be identifiable in other sources by virtue of his distinctive forename, but there is probably less hope of this so far as the remaining nine persons are concerned.

51. Black, Surnames, 75, 239, 580, 652. This may also be true of Oswald Wardlaw and even of Simon and John Carrick in view of the pronunciation of Greenriggs: James B. Johnston, The Place-Names of Berwickshire (Edinburgh, 1940), 32, 51.

52. Thomas Edington of that ilk was Albany's tenant in Edington and for these lands, no doubt, served on a suspect jury of inquest in c.1475/6: ER, vii, 316; ADA, 51; see below, pp.253-6. There is no indication that William Manderston of that ilk or Nicholas Paxton, seized in lands in Leitholm in 1477, were Albany's tenants: HMC Rep. Milne Home, 24, no. 18; ER, ix, 678.

53. A William Herring served as a juror on an inquest held by the steward-depute of March at Dunbar on 29 March 1468: SRO, GD 158, no. 38.

54. ER, ix, 428, 516, 666; SRO, GD 158, no. 37.

55. HMC Rep. xii, App. part viii, 115, no. 88.

56. Prot. Bk. Young, no. 1573, and ER, v, 489 which shows at least part of the Berwickshire Nisbet as lying in the earldom of March; RRS, i, no. 121.

57. Black, Surnames.

Though next to nothing can be discovered about magnatials parttakers by taking these persons individually, there is perhaps something to be gleaned from their collective obscurity — it does seem that for once the names of those at or near the lowest stratum of the magnatials affinity found their way into record. It appears reasonable to suppose, first of all, that these men formed the garrison of Dunbar Castle at the time of the siege; a strength of twenty men is perfectly plausible,⁵⁸ the more so given that the defenders appear to have been free of effective investment on the seaward side.⁵⁹ This supposition gains some support from the fact that, with the exception of the captain, none was obviously a laird. It may be doubted, therefore, whether there is a hidden, greater garrison lying concealed behind the list of those cited, for it is unlikely that men with little or no freehold property were capable of bringing their own contingents with them. None of the twenty witnessed any of the duke of Albany's writs and, although only a fraction are likely to have been permanently employed at Dunbar in time of peace,⁶⁰ with the remainder assembled ad hoc, this prompts the conclusion that professional men-at-arms are not normally to be found as witnesses of magnatials charters. Any professional soldiers amongst these men were perhaps, by analogy with arrangements made by the earl of Morton for Dalkeith Castle, the immediate responsibility of Ellam of Butterdean.⁶¹ That

58. Most of the garrisons to be placed in border strongholds against the threat of English invasion in 1482 were of this order: APS, ii, 140. If twenty be thought too few it might be asked whether Albany genuinely expected an attack if he was still engaged in conveyancing at the end of April: SRO, GD 158, no. 5; GD 267/27, bundle 67, 267/32, bundle 10; HMC Rep. Milne Home, 79, no. 3.

59. That the defenders made their escape by sea suggests this.

60. Dalkeith Castle required the permanent presence of only six men: NLS, MS 72, fos. 122r-123r.

61. Ibid. Ellam and the garrison were 'he and his' according to the author of the short chronicle: see above, p. 220.

professionals were present seems probable in view of the continued defence of the castle after Albany's departure. Having said this, it has to be observed that king and parliament would have done well to discover the names of all those, including men of little note, who defended the castle. On the other hand, testimony to the depth of intelligence obtainable by the government is found in the list of the defenders of Crichton Castle in 1483 - a list which names thirty-eight persons, including one known only by his nickname.⁶²

Less speculation is required in the case of the others upon whom letters of summons were issued on 11 June 1479.⁶³ They were to answer the charge that they had violated the peace by their depredations and murders committed in England and it seems that they were not understood to have been in Dunbar Castle, although they were alleged to have taken part in its munitioning and given assistance to the defenders. More usefully for determining their provenance they had chief messuages or dwellings in Berwickshire at which they could severally and, in some cases, personally be summoned.

Open proclamation of the summons upon all those cited was made at Dunbar mercat cross on 15 June by William Cumming, macer, and on the same day the first individual summons was served at the house of Simon Salmon, which probably lay within the same burgh.⁶⁴ Salmon was one of the royal officers apparently inherited by the duke of Albany. He was responsible to the crown for the issues of March from 1451 until 1455 as mair of the earldom⁶⁵ and from 1456

62. APS, ii, 155.

63. Ibid., 128.

64. Ibid.

65. ER, v, 579, 641; vi, 56. The account of 1455-6 was rendered by Thomas Home: ibid., 255.

until 1467 under the designation bailie and receiver.⁶⁶ Since he reappears in this rôle from after Albany's departure in 1483 until 1488, it seems highly probable that he continued in office under the duke.⁶⁷ He is found as a witness of two of Albany's charters given at Dunbar⁶⁸ and was nominated steward along with two others by the duke's precept of 5 November 1478 directing the sasine of George Cunningham in Belton.⁶⁹ His position from 1479 until 1483 is uncertain, for he was not among those who were repeatedly summoned to answer the charge of treason and as often failed to compear,⁷⁰ and he was raising part of the issues of March for the crown as early as 1480.⁷¹ In the absence of any indication that he was tried, and bearing in mind his return to royal office, it may be that charges against him were dropped before 13 March 1479/80.⁷² As to his sources of income, none is known aside from his fee as receiver,⁷³ for it is not apparent what land he might

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66. ER, vi, 333 (with Thomas Home), 429, 536, 622 (with Robert Liddell); vii, 96, 176, 314, 398, 491 (alone). He did not render the account of 1463-4, and, styled 'serjeant and receiver', rendered an extra account in 1468 of his arrears from before the earldom passed into Albany's personal control: ibid., 314, 564. Salmon also appears as bailie of the barony of Dunbar in 1455 and steward of the earldom of March in 1464: ER, vi, 57; SRO, GD 12, no. 45.
67. ER, ix, 427, 516; x, 126.
68. See Table IV below, p. 374.
69. Yester Writs, no. 193.
70. APS, ii, 129-36.
71. ER, ix, 430-2.
72. This is the date of the next citation in parliament of the alleged traitors after October 1479 when the process against them was first heard: APS, ii, 129.
73. While in royal employ at least he was initially due a yearly fee of about £5, which sum was reviewed by the exchequer auditors and eventually set at £10: ER, v, 582, 646; vi, 60, 338; vii, 99, 100, 496, 565; ix, 522.

have held either of the duke or any other superior.⁷⁴

16 June saw William Cumming in Berwick upon Tweed, where he executed summons upon a laird - George Home of Polwarth - whose true identity, since one of two brothers - George Home of Wedderburn or Patrick Home of Polwarth - might be indicated, is not immediately obvious. Both the Home brothers, the grandsons of the late Sir David Home of Wedderburn and great-nephews of Alexander, first lord Home, appear in the shortened list of persons to be summoned quoted in parliamentary record. It is not certain, however, that summons was carried out upon both of them; aside from the oddly composite 'George Hume of Polwort' the only likely candidate to be found in William Cumming's endorsement of the king's letters is a plain 'Patrik Hume' in Ladyflat.⁷⁵ To complicate matters, George Home was not among those repeatedly summoned after 1479⁷⁶ and Patrick was summoned on only three further occasions, the last on 5 June 1480.⁷⁷ As with Salmon it is quite likely that charges against the brothers were dropped at an early stage. Patrick had certainly recovered

74. Salmon rendered suit at a court of the regality of March in 1468, but probably not for the land upon which his house stood; a dwelling in Dunbar - a royal burgh - in theory ought to have been outwith the regality: SRO, GD 158, no. 38; GD 12, no. 51; Pryde, The Burghs of Scotland no. 50.

75. APS, ii, 128.

76. Ibid., 129-36.

77. Ibid., 129.

royal favour by 1481; he was captured by the English – perhaps in June 1480 – and his release was effected with the help of a gift from the king of three lasts of salmon, sold to provide a contribution to his ransom.⁷⁸

Superficially the degree of attachment between Albany and the Homes of Wedderburn and Polwarth appears fairly substantial. The brothers had married the co-heiresses of John Sinclair of Herdmanston⁷⁹ and in consequence had acquired a shared interest in various properties including the lands of Polwarth, which lay in the earldom of March.⁸⁰ Patrick, the younger brother, became the duke's tenant thereby, appearing to have been at least conjunctly infeft in the half share belonging to his spouse, Margaret Sinclair.⁸¹ George, on the other hand, did not become the duke's tenant in Polwarth, for his spouse, Marion Sinclair, remained proprietrix of her half of Polwarth until resigning the lands in 1479 in favour of David their son.⁸² He did, however, acquire fifteen acres in the town of Chirnside from the duke, taking sasine on 7 October 1476.⁸³ The tenurial ties between Albany and these branches of the Home family were reinforced in April 1479 when, amongst his last acts before fleeing Dunbar, the duke instructed the sasines of David and Alexander Home, the apparent heirs of George and Patrick respectively, in their appropriate halves

78. ER, viii, 145, 158.

79. HMC Rep. Milne Home, 4; Kelley, 'The Douglas Earls of Angus,' 799, 804.

80. ADA, 15–16.

81. This is deduced from the style adopted by Patrick and by the fact that it was as his apparent heir, and not as Margaret Sinclair's, that his son took sasine in Polwarth in 1479: SRO, GD 158, no. 5.

82. SRO, GD 267/32, bundle 10; ADC, ii, 394. Marion had been seized in her half of Polwarth by the duke's bailie on 10 November 1475: HMC Rep. xiv, App. part iii, 66, no. 8.

83. SRO, GD 267/31, bundle 84, printed in HMC Rep. Milne Home, 23, no. 16.

of Polwarth.⁸⁴ The surviving charter of the two required for these conveyances - that given to David Home on 22 April - refers to the grantee as 'our beloved', mentioning 'his favours manifoldly rendered to us' (though not 'to be rendered'), and calls his father 'our familiar squire'. Blench farm tenure of the land is also revealed.⁸⁵

There is curiously little indication of what lay behind these expressions of affinity; the Homes of Wedderburn and Polwarth seem never to have been in the duke's company, although the latter acted as Albany's bailie on one occasion.⁸⁶ No doubt the government had good reason to believe that they were Albany's men, but taking into account their swift removal from the lists of those to be summoned and their interest in lands held of superiors other than Albany - the king, the earl of Angus and the prior and convent of Coldingham⁸⁷ - there may be cause to question how much they actually

84. The precept, dated 24 Apr. 1479, for David Home's sasine survives: SR0, GD 267/27, bundle 67, printed in HMC Rep. Milne Home, 25-26, no. 21 with the date 25 Apr. 1479. Letters by Albany's steward narrate the completion of both sasines on 27 Apr.: SR0, GD 158, no. 5; GD 267/27, bundle 67, printed in HMC Rep. Milne Home, 25, no. 20. The date of the latter is now illegible, but is recorded in the Inventory of Billie Writs, a copy of which is in the SR0.

85. SR0, GD 267/32, bundle 10.

86. HMC Rep. xii, App. part viii, 115, no. 88.

87. The lands which the Sinclair sisters regarded as their rightful inheritance are listed in ADA, 15-16. Among these was Kimmerghame, the half lands of which had a yearly value of twenty pounds each and were held of the earl of Angus as lord of Bunkle; Wedderburn, once in the earldom of March, was held directly of the king in 1474; George Home was heir to his mother's lands held of the priory of Coldingham, and also acquired land in Sisterpath from his cousin, Alexander Home of that ilk, in 1478: HMC Rep. Milne Home, 19, 22-23, 24-25, 26-28, 258, nos. 4, 12, 19, 25-26, 586; HMC Rep. xiv, App. part iii, 65-66, no. 6; RMS, ii, no. 1187.

owed the duke. Albany did not apparently lose hope of drawing at least Patrick Home into his affinity four years later, but the laird of Polwarth was not to be charged with treason a second time.⁸⁸

After leaving Berwick, or perhaps while still in the burgh - the wording is equivocal - William Cumming was able to summon one William Learmonth 'personalì apprehendit in his housse'. The macer then proceeded to Ladyflat where he executed summons upon three Homes - William, Patrick and Andrew.⁸⁹ Given that Patrick Home was never again summoned - or, if so, was not styled as simply - it is quite possible that this was the laird of Polwarth, although he might also have been a son, later of Fast Castle, of the first lord Home.⁹⁰ Learmonth and the other two Homes, as with all the remaining persons mentioned in Cumming's endorsement, were repeatedly summoned to compare and answer charges.⁹¹ The nature of their ties with Albany goes otherwise unrecorded, although it can be noted that William Home may have been Albany's tenant in Rathburne in the parish of Longformacus,⁹² and that Learmonth - who was perhaps the apparent heir of John Learmonth of the Hill,⁹³ and for whom there is the slightest indication of a continued attachment to Albany's cause⁹⁴ - and Andrew Home were at Polwarth on 27

88. RMS, ii, no. 1745, and see below, p. 287.

89. APS, ii, 128. Ladyflat is Nat. Grid ref. NT 770506. Its proprietor is unknown.

90. SP, iv, 450.

91. APS, ii, 128-32, 134-6.

92. A William Home of Rathburne or Rawburn rendered suit at a court in the earldom of March in 1464: SRO, GD 12, no. 45.

93. A John Learmonth of the Hill is found in 1474 and a William Learmonth of the Hill occurs in 1498: SRO, GD 12, no. 49; RMS, ii, no. 2441.

94. He appears to have been an accomplice of James Gifford of Sheriffhall - a man forfeited in 1485 for his support of Albany - in the spuilzie of goods from the elect of Glasgow's lands of Tynninghame and Duncur: ADA, 136*, 137*; see above, p. 155 and below, pp. 277-8.

April 1479 as witnesses of the sasines given by Albany's steward to David and Alexander Home.⁹⁵

Cumming was next at Sisterpath where he summoned Humphrey Alanshaw, a man whose obscurity seems complete, other than that he was most likely a tenant of Alexander Home of that ilk.⁹⁶ Thereafter he summoned John Trotter - probably a witness of Marion Sinclair's sasine in her half of Polwarth on 10 November 1475⁹⁷ - at his house, the location of which is not made clear. He can tentatively be identified with John Trotter of Fluriswall, who acted as bailie to Alexander Home of that ilk on 4 November 1478.⁹⁸ The lands of Fluriswall, in the parish of Greenlaw,⁹⁹ are not known to have lain in the earldom of March.

Still on the 16 June the macer went to Mersington and Eccles, where he served the summons on another seven persons, about only two of whom is there anything of note to be said. Patrick Dickson called only 'the lard', but by implication laird of Mersington, was summoned personally at his house. He is probably the Patrick Dickson of Mersington who occurs in 1468¹⁰⁰ and who seems, when named in 1476 as a member of a jury of inquest that apparently acted in the duke of Albany's interests, to have been demoted to the level of 'in Mersington'.¹⁰¹ One of these propositions is no doubt wrong, but whatever Dickson's status in Mersington he would

95. SRO, GD 158, no. 5; GD 267/27, bundle 67, printed in HMC Rep. Milne Home, 25, no. 20.

96. Sisterpath (Nat. Grid ref. NT 756484), or at least part thereof, was the property of Alexander Home of that ilk: RMS, ii, no. 1914; HMC Rep. Milne Home, 24-25, no. 19.

97. SRO, GD 158, no. 4.

98. HMC Rep. Milne Home, 24, no. 17.

99. Retours, ii, Berwick, no. 488.

100. SRO, GD 158, no. 38.

101. ADA, 51; see below pp. 253-4.

have been Albany's tenant there,¹⁰² and he certainly had honourable tenure of five husbandlands in Birgham, which he held of the duke in blench ferm.¹⁰³ A probable kinsman of Patrick - namely Thomas Dickson of the Tower - was personally summoned at the tower in Eccles. No-one styled exactly in this fashion is readily found elsewhere, but a Thomas Dickson of Mersington occurs in 1443/4,¹⁰⁴ in 1455¹⁰⁵ and 1464.¹⁰⁶ Whether this man can be identified with Dickson of the Tower is uncertain - he may in fact have been the father of the Thomas Dickson of 1479, and perhaps of Patrick too. However, it does appear that 'Eccles Tower' is not to be distinguished from the tower of Mersington; with remarkable coincidence a claim by a Thomas Dickson that he held Mersington Tower by tack of the duke of Albany came before the Lords Auditors on the very day that William Cumming arrived at Eccles bearing the king's writ.¹⁰⁷

Also summoned personally in Mersington were David Chirnside, David Jackson and William Dickson, who, if occupants of land there would have been tenants either of Albany or the laird of Mersington.¹⁰⁸ Chirnside may have been the proprietor of East Nisbet found in 1497/8,¹⁰⁹ in which case he would seem to have succeeded Alexander Chirnside of East Nisbet.¹¹⁰ William Dickson was perhaps an

102. Mersington (Nat. Grid ref. NT 777446), was certainly in the earldom of March, part remaining as property of the duke: ER, vii, 491; ix, 428.

103. Ibid., 430, 517.

104. HMC Rep. Milne Home, 262, no. 601.

105. SRO, GD 12, no. 38.

106. Ibid., no. 45.

107. ADA, 30. His occupation was contested by Margaret Sinclair, spouse of Patrick Home of Polwarth, claiming that she too held the tower by tack of the duke. An allegation by Dickson that Alexander Home had spuizied a hundred merks' worth of goods from him was also heard on 16 June: ibid.

108. See above, n. 102.

109. HMC Rep. Milne Home, 28, no. 27.

110. Ibid., 27, no. 25; SRO, GD 158, no. 4.

indweller of Duns found in October 1476,¹¹¹ and was quite possibly a kinsman of one or both of the aforementioned Dicksons. Two others summoned in Eccles on 16 June were George and John Windram, - both, it seems, at the latter's house, and both of unremitting obscurity.

Remaining in the parish of Eccles on 17 June Cumming completed his duties by summoning Ringan and James Wrangham - possibly tenants of Alexander Home of that ilk - at their houses in Little Ploughland,¹¹² Richard Edington's son in the Tofts,¹¹³ John Hay at his house, William Sanderson personally and Humphrey Sanderson at his house. The Richard Edington whose son was summoned was probably the man of that name who occupied a ploughgate in Sisterpath, held of Alexander Home of that ilk, and for whom provision was made when the land was granted to George Home of Wedderburn in 1478.¹¹⁴ He and his son, whose name is not revealed, may have been kinsmen of the forfeited James Edington¹¹⁵ or of Thomas Edington of that ilk who served on the same suspect jury as Patrick Dickson and other associates of Albany in c.1475/6.¹¹⁶ John Hay was conceivably the second son of John Hay of Olivercastle and grandson and prospective heir of George Cunningham of Belton, Albany's steward presiding over the same jurors accused in 1476 of unlawful proceeding.¹¹⁷

Cumming did not record that he had summoned two others - Adam and Alexander Trotter - cited in the letters of summons.¹¹⁸

111. HMC Rep. Milne Home, 23, no. 16.

112. Ploughlands (Nat. Grid ref. NT 756439), which may or may not have included Little Plewland, appears to have been Home's property: RMS, ii, no. 596.

113. This is presumably now represented by Eccles Tofts, Nat. Grid ref. NT 756452.

114. HMC Rep. Milne Home, 24-25, nos. 17 & 19.

115. See above, p. 222.

116. ADA, 51.

117. Ibid.; Yester Writs, no. 191.

118. APS, ii, 128.

Adam was never summoned, but Alexander's name is found alongside that of his probable kinsman, John Trotter, in the list of alleged traitors recited before parliament until February 1481/2.¹¹⁹ Alexander, possibly the occupant of six merklands in Ryslaw found in 1496,¹²⁰ seems to have witnessed the sasines of David and Alexander Home in Polwarth on 27 April 1479.¹²¹

The overall picture of Albany's support given by the judicial processes of 1479 is hardly impressive. Those apparently committed to Albany's cause to the extent that they were forfeited or accused of treason were no doubt his tenants for the most part, but as a proportion of his tenants in the earldom of March they represented a small fraction.¹²² It must be doubted whether half a dozen lairds,¹²³ reinforced with no more than fourteen who could reasonably be considered lairds' sons or cadets of lairdly families¹²⁴ and backed by around twenty lesser freeholders and tacksmen, constituted a major threat to the government of James III. Still less dangerous does this body of parttakers seem if the Homes of Wedderburn and Polwarth and Simon Salmon, three of the more significant figures cited in the letters of summons, are to be deducted from the total.

119. Ibid., 129-36.

120. RMS, ii, no. 2334. Ryslaw was in the earldom of March: ER, vi, 317.

121. SR0, GD 158, no. 5; GD 267/27, bundle 67, printed in HMC Rep. Milne Home, 25, no. 20.

122. See below, p.257.

123. This category is taken to include John Ellam of Butterdean, George Home of Wedderburn, Patrick Home of Polwarth, John Trotter of Fluriswall, Patrick Dickson of Mersington and Thomas Dickson of 'the Tower'.

124. Something little short of pure guesswork might thus distinguish the following: James Ellam, Gavin Manderston, James Edington, William Herring, John Bisset, William Home, Andrew Home, John Learmonth, David Chirnside, William Dickson, Richard Edington's son, John Hay, Adam Trotter and Alexander Trotter.

Nevertheless, judging from other evidence it is plain that the foregoing did not represent the whole of Albany's affinity in the years up to 1479, showing that a proportion of the duke's associates were not regarded as his accomplices. This is particularly surprising in the case of the men with Albany at Dunbar Castle on 22 April 1479, none of whom were implicated in his alleged treason,¹²⁵ but whether their apparent innocence means that they and other associates of the duke's remained the king's true lieges or merely that insufficient evidence against them was available is another matter.

In dealing with the evidence for those who served or attended Albany prior to his flight in 1479 it should be observed that the witness lists of the duke's two earliest known charters have little in common with those of later date.¹²⁶ They have in fact little enough in common with each other, even though both charters were given in Edinburgh in 1467 and state, unlike any other of the duke's writs, that they were made with the advice of his council.¹²⁷ Whether a single councillor of Albany's own choosing was involved in either case is highly questionable— not least because the duke was a ward aged around thirteen in 1467¹²⁸— but it is obvious that the earlier charter, dated 5 April, was attested for the most part by members of James III's minority government,¹²⁹ headed by Robert, Lord Boyd, the governor of the king and his brothers.¹³⁰ Sir John

125. See Table IV below, p.374. Of these witnesses it is known that Alexander Home of that ilk, David Renton of Billie, John Home of Crailing and John Rule had left the castle by the end of April: HMC Rep. xii, App. part viii, 121, no. 115.

126. See Table IV below, p.374.

127. SRO, GD 266/121, bundle 1; GD 158, no. 35.

128. The arithmetic concerning Albany's age is based upon Macdougall, James III, 40 and SP, i, 151.

129. SRO, GD 266/121, bundle 1.

130. RMS, ii, no. 891.

Chalmers of Gadgirth is the only witness whose presence has no ready explanation, although he did have some sort of tenurial tie with Lord Boyd's son, the earl of Arran.¹³¹

After the audit of 20 June 1467 the issues of March ceased to be rendered to the exchequer.¹³² This would seem to represent a step forward for the duke towards personal control of his affairs,¹³³ and may be reflected, though indistinctly, in the changed composition of his putative council as revealed in the witness list of the second charter, given on 10 November 1467.¹³⁴ The only witness from 5 April to recur in this charter is Lord Boyd, giving the impression that any body of witnesses could constitute the duke's council provided Albany's governor were present. Albany's continuing lack of independence is, however, emphasized by the attestations of the earl of Arran, Robert Muir of Pokelly - who was married to one Agnes Boyd¹³⁵ - and perhaps also Sir John Maxwell of Calderwood and Patrick Maxwell, although no formal connexion between these brothers german and Lord Boyd is known.¹³⁶ William Cockburn of Newhall was at least based close to parts of the earldom of March, but he seems not to have been in Albany's presence on any other date.¹³⁷

131. RMS, ii, no. 912, which is also dated 5 May 1467. Gadgirth, Nat. grid ref. NS 411224, can be treated as lying near to Lord Boyd's main sphere of influence: RMS, ii, no. 922 summarizes Boyd's possessions in the west of Scotland.

132. ER, vii, 291. Simon Salmon dealt only with his arrears at the next audit: ibid., 564.

133. Lord Boyd retained some influence in the earldom of March through Archibald, his youngest son, who is found serving as steward of March and keeper of Dunbar Castle in the late 1460s: SRO, GD 158, nos. 36, 38; ER, vii, 494; SP, v, 145.

134. SRO, GD 158, no. 35.

135. RMS, ii, no. 963n. Pokelly is in Cunninghame, Nat. Grid ref. NS 441457.

136. RMS, ii, no. 1151 shows their relationship. Though no doubt based in the west of Scotland, John Maxwell did hold lands in Berwickshire: ibid., no. 1346. The same can, however, be said of Lord Boyd: ibid., no. 988.

137. Newhall, Nat. Grid ref. NT 511670, is not far removed from some western elements of the earldom of March. Cockburn held Newhall of Robert Lauder of the Bass (RMS, ii, no. 3185), whose status as an adherent of Albany is considered below, pp. 241-2.

The two remaining witnesses of this charter are, in contrast, a little more germane to Albany's later career.¹³⁸ One - Master Martin Wann - subsequently appears fairly regularly in the duke's company.¹³⁹ The relevance of the other - Robert Liddell of Balmuir - is less direct, although his presence is understandable to the extent that he had enjoyed a connexion with the earldom of March, holding the office of keeper of Dunbar Castle from c.1451 until 1460,¹⁴⁰ acting with Simon Salmon as joint receiver of the earldom's farms from 1457 until 1460,¹⁴¹ and drawing the farms of Pitcox, near Dunbar, for the year of account 1464-5.¹⁴² However, he seems to have held no lands in the earldom, nor was his career as an officer of the crown confined thereto: his style derived from lands in Forfarshire held of the earl of Angus,¹⁴³ whilst his lands of Creich lay in Fife and were held of the king;¹⁴⁴ he may have started out in the royal service as one of James II's tailors¹⁴⁵ and he certainly served as ranger of the Yarrow ward of

138. Mention might also be made of the witnesses of the resignation which preceded the charter. Of the charter witnesses only Lord Boyd, Cockburn and Muir are named in the resignation, whilst John Dunlop, Andrew Brayle and William Querland witnessed the resignation and not the charter: see Tables IV and V, pp. 374, 376. Querland may have had some connexion with David Renton of Billie, who was one of Albany's more regular associates: SR0, GD 267/27, bundle 77, and see below, pp. 245-6.

139. See below, p. 262.

140. ER, v, 506, 552, 580, 581-2, 644 (which shows that he did not hold the office continuously); vi, 3, 57, 60, 227-8, 258, 262, 336, 433, 539, 540, 625. The references to ER, vi, show his fee as keeper to have become settled at 100 marks yearly, with an extra £18 13s 4d of the farms of Little Pinkerton and Newtonlees.

141. ER, vi, 429, 536, 622. He also assisted in setting the lands of March in 1457-8 and undertook the distraint of tenants in Cranshaws in c.1458: ibid., 392-3; SR0, GD 12, no. 40.

142. ER, vii, 318.

143. Kelley, 'The Douglas Earls of Angus', 209. He appears to have been keeper of the Angus castle of Tantallon in the late 1430s: ER, v, 53.

144. RMS, ii, nos. 1656, 1950, 2401; Prot. Bk. Young, no. 14.

145. ER, v, 386.

the forest of Ettrick from 1455 until 1469.¹⁴⁶ It has to be said in addition that Liddell's evident association with the duke is restricted to his witnessing this single charter. Any interest that lies in this solitary attestation is found not because of Robert Liddell himself, but rather because his son James emerges as Albany's most notable, and latterly notorious adherent.

The witness lists of Albany's writs dated after 1467 undoubtedly reflect more accurately than those two early charters the duke's personal choice of associates. Nevertheless, it should be noted at the outset that the selection of writs available is not ideal. Only one out of fourteen charters and other documents drawn up in the duke's presence between 1470 and 1479 and used here for distinguishing his associates was given in Albany's lordship of Annandale. This compares with a total of twelve which were sealed either at Dunbar or in Edinburgh, and only two of these, coupled with another for which no place of issue is given, even concerned men from the south-west. No doubt this is partly responsible for the preponderance among laymen of witnesses from the south-east of Scotland, who account for fifty-seven out of ninety individual attestations of these fourteen writs, as against a mere eight attestations which can be attributed to men from the south-west.¹⁴⁷ On the other hand the importance of the uneven division of evidence may be called into question.¹⁴⁸

In addition a characteristic of the writs themselves rather than of their survival can be indicated: if the fourteen-strong

146. Accounts of the ward of Yarrow are lacking from 1460-1 to 1465-6 inclusive. Liddell's last known account is for 1468-9; the following year's is absent and his son rendered the account for 1470-1: ER, vi, 223, 370, 442, 543, 619; vii, 24, 496, 529, 620; viii, 100.

147. See Tables IV and V below, pp. 374, 376.

148. See below, p. 258.

witness-list for Albany's charter of 3 November 1478 is excluded as abnormal, the remaining thirteen writs of the 1470s bear an average of less than six witnesses. What this signifies is probably open to any number of interpretations, but it may be related to the notable paucity of clerical witnesses, of which category only five clergymen and one notary public account for twenty-three attestations.¹⁴⁹

Taking first the larger body of laymen - those based in the south-east of Scotland - and commencing in turn with those whose association with Albany seems not to have been based upon tenancy, the most important figure, being normally named first among witnesses of the duke's writs, is seen to be Sir James Liddell of Halkerston, son of Robert Liddell of Balmuir. Liddell, who initially appears to be found as the recipient of a number of mostly unexplained payments from royal revenues in the mid-1450s,¹⁵⁰ had entered Albany's service, succeeded or was about to succeed his father as ranger of Yarrow¹⁵¹ and been knighted by 11 April 1470 when he is first found as a witness of one of the duke's charters.¹⁵² In this, and the resignation which preceded it,¹⁵³ he is shown to have been master of the duke's household - an office which he still held in 1473¹⁵⁴ and

149. See Tables IV and V below, pp. 374, 376.

150. ER, vi, 7, 17 (termed 'scholar'), 56, 127, 257, 459. Only the first of these payments unquestionably concerns this James Liddell.

151. ER, vii, 620; viii, 100.

152. SRO, GD 158, no. 40. It has been proposed that Sir James was knighted 18 June x 12 July 1471: M.P. McDiarmid, 'The Date of the Wallace', SHR, xxxiv (1955), 27. This was evidently not so; the charter cited to show the earlier date is in fact from 1462/3: RMS, ii, no. 1031.

153. SRO, GD 158, no. 39.

154. Lag. Chrs., no. 18.

probably retained thereafter, given that no successor is ever identified. Until Albany's flight in 1479 he witnessed a total, unmatched by any other individual, of eight of the duke's charters: seven at Dunbar and one in Edinburgh, accompanied by John Liddell, his son, on two of these occasions.¹⁵⁵ He was present besides at two resignations in the duke's hands and at the making of Albany's indenture with Lord Oliphant in Edinburgh on 20 February 1476/7.¹⁵⁶ Documentary support for the implied belief that he held permanent office as steward of March¹⁵⁷ is lacking, although it is true that he was appointed steward for the purposes of giving sasine of Belton to George Cunningham by Albany's precept of 24 January 1471/2, carrying out this duty on 11 March following.¹⁵⁸

By this time Liddell was styled 'of Halkerston', lands in Midlothian which - probably coupled with nearby Arniston (whereby he was perversely styled on 22 April 1479)¹⁵⁹ and Esperston¹⁶⁰ -

155. See Table IV below, p. 374.

156. See Table V below, p. 376.

157. McDiarmid, 'The Date of the Wallace', 30; Macdougall, James III, 188, 270; Kelley, 'The Douglas Earls of Angus', 209.

158. Yester Writs, no. 170. 'Steward' here signifies an officer appointed specifically to give sasine. 'Bailie' was the more usual description elsewhere, and it is possible that 'steward' has regalian connotations; Albany's clerks seem to have had a slight preference for 'steward', although both terms were used - probably indiscriminately judging from the reference to the duke's 'steward or bailie' on one notarial instrument: SR0, GD 12, no. 50. Albany's permanent steward is likely to have been the man to whom Liddell was giving sasine on this occasion (which would explain how Sir James was able to use the seal of the office of steward in performing this function): see above, p. 53 and below, p. 252.

159. SR0, GD 267/32, bundle 10.

160. ADC, 270-1. Halkerston, Arniston and Esperston are Nat. Grid ref. NT 347583, 326594 and 338569 respectively.

he appears to have held before his father's death. Though he inherited Creich in 1474,¹⁶¹ and, no doubt, Balmuir too around this same time,¹⁶² his lairdly appellation remained unchanged, suggesting that Halkerston, Arniston and Esperston had not been his father's property. Of these lands Halkerston and Esperston at least were held of the Knights of St John,¹⁶³ and thus it seems that in none of his properties was Liddell Albany's tenant. Indeed, for all his apparent attachment to the duke, Liddell is not known to have received any tangible reward from him. There seems to be no point, in view of Sir James's conduct in 1482-3,¹⁶⁴ in attempting to connect his innocence in 1479 with Albany's apparent lack of generosity. Nonetheless, like all those who witnessed Albany's charter in Dunbar Castle on 22 April 1479,¹⁶⁵ Liddell was free of suspicion at the time of the duke's flight. This is confirmed by his remaining in the king's employ as ranger of Yarrow throughout the period of Albany's first exile.¹⁶⁶ This is not to say, however, that his sympathies lay with James III at this time; Liddell's connexion with Blind Harry, whose poem The Wallace has been interpreted as denouncing the king's policy of peace with England, with the duke of Albany represented in the title role,¹⁶⁷ suggests otherwise.¹⁶⁸

161. ER, ix, 676.

162. Kelley', The Douglas Earls of Angus', 209; Macdougall, James III, 200.

163. ADC, 271.

164. See below, pp. 284-6.

165. See above, p. 234.

166. ER, viii, 583; ix, 34, 136, 187.

167. Harry's Wallace, i, p. xxiv.

168. Liddell is one of two knights named by Harry as having supplied material for his work: ibid., ii, 122.

Sir James Liddell of Halkerston is not alone among those associated with Albany before 1479 in appearing to have held no land of the duke. To be categorized with him are Robert Lauder of Edrington, William Brown and George and John Rule - all with the duke on at least two occasions during the 1470s, Patrick Smeaton, who may have held permanent office under him, and William Ker, to whom the duke rendered some assistance. There is no mention of the duke of Albany in James III's charter of Edrington, Colestell, the fishing of Edermont and the associated mills given in 1471 to Robert Lauder following the resignation of the same by his father, Robert Lauder of the Bass.¹⁶⁹ Nonetheless, the younger Robert Lauder, who seems to have become 'of the Bass' around 1477,¹⁷⁰ is found with the duke on two occasions: as a witness of a resignation in Edinburgh in 1473/4¹⁷¹ and of a charter given at Dunbar in December 1475.¹⁷² It may be of some significance that these instances should fall between Lauder's two terms of office

Edermont is likely to be the confluence of Whiteadder

169. RMS, ii, no. 1045. Various properties of the Lauders in [with Tweed. East Lothian can be identified, including the Bass, and lands of Stenton, Garvald, West Craig, Ballingow, West Nisbet and possibly part of the barony of Pencaitland: ER, x, 770; RMS, ii, nos. 1202, 1299, 3330; SRO, GD 267/31, bundle 27; ADA, 76; ADC, 72. None are known to have lain within the earldom of March. Stenton, though suitably located, (Nat. Grid ref. NT 622743) was part of the Stewart patrimony: Barrow, The Kingdom of the Scots, 352; Prot. Bk. Young, no. 725. Biel, a tenantry of the earldom, is only found among the family's possessions after Albany's forfeiture: ibid.; ADA, 196; HMC Rep. Milne Home, 254, no. 572.
170. When appointed keeper of Berwick Castle on 20 January 1476/7 the younger Robert Lauder was still 'of Edrington', but after taking up the appointment on the following 3 February he became 'of the Bass': RMS, ii, no. 1276; ER, viii, 456. This change of style is somewhat confusing, for Robert Lauder senior was still alive in July 1477: RMS, ii, no. 1299. There was some difficulty at the time in making the distinction, judging from the style 'Robert Lauder the younger of the Bass' employed by one clerk and the scoring out to which another was forced to resort: ibid., no. 1281; ADC, 17.
171. See Table V below, p. 376.
172. See Table IV below, p. 374.

as keeper of the castle of Berwick-upon-Tweed. Lauder's first term lasted from 1461 until 1473,¹⁷³ when the earl of Crawford took over,¹⁷⁴ and he was reappointed in January 1476/7.¹⁷⁵ If Lauder was a known parttaker of the duke it may also be more than coincidental that he should once again have been removed from office shortly before Albany's reappearance in 1482, accompanied by the duke of Gloucester and a large English army.¹⁷⁶ It is at least true that if Lauder was, as it seems, riding with Albany in January 1482/3, King James had some justification for supplanting him as keeper.¹⁷⁷

William Brown, George and John Rule, William Ker and Patrick Smeaton appear to have had no freehold property of any sort, although there remains the possibility that they had tacks from the duke of Albany. Brown witnessed three of Albany's charters given at Dunbar, along with another charter¹⁷⁸ and two other writs made in the duke's presence in Edinburgh,¹⁷⁹ all between 1470 and 1478. George and John Rule both witnessed two charters at Dunbar during the same period and were also present there on 22 April 1479.¹⁸⁰ Two days later John Rule was among those nominated as stewards to give sasine to the sons of the Homes of Wedderburn and Polwarth, which function it fell to him to perform on 27 April.¹⁸¹

173. ER, vii, 145, 317, 400, 494; viii, 118, 188.

174. Ibid., 251; ix, 676.

175. RMS, ii, no. 1276; ER, viii, 456.

176. The last recorded payment of his 200 merk fee is for the year 1480-1: ER, ix, 145, 157. His tenure had been for an initial term of five years, but with an option for renewal: RMS, ii, no. 1276. King James did not choose to reappoint Lauder, for Patrick Hepburn of Dunsyre was keeper at the time of the invasion: ER, ix, 433.

177. See below, p. 288.

178. See Table IV below, p.374.

179. See Table V below, p.376.

180. See Table IV below, p.374.

181. SRO, GD 267/27, bundle 67, printed in HMC Rep. Milne Home, 25-26, nos. 20-21; SRO, GD 158, no. 5. Rule had no seal of his own - he had to borrow those of two lairds - and this would seem to confirm his lack of status.

John Rule also appears as one of the party headed by Patrick Smeaton and including Patrick Hamilton, son of the laird of Innerwick, which undertook the wrongful removal of horses and oxen from the lands of Cranshaws in 1476 by precept and command, it was said, of the duke of Albany.¹⁸² Smeaton was acting on this occasion in the capacity of serjeant to the duke,¹⁸³ and it may have been by virtue of this office that Albany twice authorized him to give sasine of half of Polwarth: firstly to Marion Sinclair in 1475, when he duly carried out this duty,¹⁸⁴ and secondly in 1479, when John Rule acted as steward.¹⁸⁵ William Ker, brother of the laird of Cessford,¹⁸⁶ is not known to have served or attended the duke, although he was styled 'our squire' by Albany in 1482/3.¹⁸⁷ Earlier evidence that Albany was his patron is found in the duke's request to Sir James Liddell, as ranger of Yarrow, that Ker's grassum for his tack of Williamhope in 1476-7 be remitted.¹⁸⁸

Three other individuals for whom there is similarly no good reason to believe that they were Albany's tenants might also be mentioned here, although there is only the slightest evidence for their attachment to the duke in the period up to 1479. James Gifford of Sheriffhall, though later involved in Albany's treason, was undoubtedly the earl of Morton's man during the 1470s,¹⁸⁹ and

182. SRO, GD 12, nos. 53-55, 59.

183. Ibid., no. 59.

184. SRO, GD 158, no. 4 printed in HMC Rep. xiv, App. part iii, 66, no. 8.

185. SRO, GD 267/27, bundle 67, printed in HMC Rep. Milne Home, 25-26, no. 21.

186. ER, ix, 606.

187. RMS, ii, no. 1573.

188. ER, viii, 436. Williamhope is Nat. Grid ref. NT 411334.

189. See above, pp. 150-4.

this can be taken as explaining his single appointment as Albany's bailie by a precept of 14 January 1473/4, for he was to give sasine of the barony of Morton to the earl's son and apparent heir.¹⁹⁰ In like wise was John Murray appointed steward by the duke on one occasion in order to give sasine of lands in Duns to George Home of Wedderburn, and this he did on 7 October 1476.¹⁹¹ His name appears in no other of Albany's writs, although the possibility that he was genuinely a member of the duke's affinity is strengthened a little if he can be identified as the John Murray of Cranston who, with Sir James Liddell of Halkerston and others, bound himself on 20 March 1471/2 to contribute to the tocher of the prospective bride of John Home, later of Crailing.¹⁹² As to the third, Adam Murray, nothing certain can be said beyond noting his attestation of one of Albany's charters at Dunbar on 3 November 1478.¹⁹³

The remaining persons who show any trace of a connexion with the duke of Albany during the 1470s also give some indication of having been his tenants. However, there are some men whose tenancy is indicated only by their rendering suit of court in the regality of March, and it remains unknown what lands they might have held of the duke. Since more precise evidence of the tenancy of these men is lacking it is assumed for the present purpose either that they were tenants on only a small scale in the earldom, with

190. SRD, GD 150, no. 156. Alexander, Gifford's brother, was also nominated as a bailie, but did not act.

191. SRD, GD 267/31, bundle 84, printed in HMC Rep. Milne Home, 23, no. 16.

192. HMC. Rep. xii, App. part viii, 89, no. 6; see below, pp. 246-7.

193. See Table IV below, p. 374. The charter is distinguished by its long witness list, which includes the names of three others who were then making their only known appearance as witnesses of one of Albany's writs.

their lands held of the duke being exceeded in value by their lands held of other superiors, or alternatively that they held no land of the duke and were rendering suit on behalf of another.

David Renton of Billie is known to have served as a juror at two inquests concerning the lands of Cranshaws in the earldom of March: one held on 4 May 1464 at Berwick¹⁹⁴ and another, of doubtful legality, held at Dunbar on an unknown date before 11 March 1475/6.¹⁹⁵ Renton's known feudal lords were the earl of Angus, from whom he held Billie in the lordship of Bunkle,¹⁹⁶ and the prior and convent of Coldingham, from whom he held various lands, worth in all twenty pounds yearly, in the barony of Coldingham.¹⁹⁷ In addition he may have held Easter Pencaitland in East Lothian, lands originally acquired by his family in 1435/6 from Sir Robert Lauder of Edrington, whose descendants may have retained the superiority.¹⁹⁸ Positive support for the simple explanation of Renton's jury service is thus lacking. Nevertheless, it is clear enough that Renton saw Albany as his lord, for his name is found in the duke's writs less often only than that of Sir James Liddell of Halkerston: from 1470 until 1479 he witnessed seven of Albany's charters - one each in Edinburgh and Lochmaben and five at Dunbar - as well as the resignations by Sir William Douglas and Vedast Grierson, and another which took place before the duke, making

194. SRO, GD 12, no. 45.

195. *Ibid.*, nos. 50, 51; *ADA*, 51; see below, pp.253-4.

196. Kelley, 'The Douglas Earls of Angus', 209.

197. SRO, GD 1/967, no. 6.

198. SRO, GD 267/27, bundle 77.

use of Albany's chamber in Edinburgh and his seal.¹⁹⁹ He was also among those nominated as stewards in precepts of sasine issued by Albany on 5 November 1478 and 24 April 1479, though acting on neither occasion.²⁰⁰

Serving on the second of these inquests upon the lands of Cranshaws were Alexander Home of that ilk and his brother John Home of Crailing, grandsons of Alexander, first lord Home.²⁰¹ Alexander, the elder brother and apparent heir to his grandfather,²⁰² can be treated fairly seriously as a parttaker of Albany, for he witnessed four of the duke's charters between 1475 and 1479, the second of which required his attendance at Lochmaben and the last revealing his presence at Dunbar Castle shortly before the siege.²⁰³ Following this charter he was named with Renton of Billie, Rule and Smeaton as steward to infeft the son of Home of Wedderburn.²⁰⁴ For John Home, there is rather less to suggest affinity with the duke, although his one attestation of an Albany charter, being that given on 22 April 1479, is not without interest.²⁰⁵ The origins of this connexion with Albany cannot definitely be said to have lain in tenancy, for it seems doubtful whether either of lord Home's grandsons held land of the duke at the time of the inquest. Alexander Home certainly had actual possession of parts of the Home patrimony,²⁰⁶ but it is clear that the family's principal lands in Berwickshire, though once part of the earldom of March,²⁰⁷ had been assembled into the free barony of Hume in the early 1450s

199. See Tables IV and V below, pp. 374, 376.

200. Yester Writs, no. 193; SRO, GD 267/27, bundle 67.

201. SRO, GD 12, no. 51; ADA, 51.

202. SP, iv, 451.

203. See Table IV below, p. 374.

204. SRO, GD 267/27, bundle 67.

205. See Table V below, p. 376.

206. HMC Rep. Milne Home, 24-25, nos. 17, 19. The style 'of that ilk' suggests possession of Hume itself, or some part thereof.

207. RMS, ii, no. 388; HMC Rep. xii, App. part viii, 88, 114-15, 146, nos. 2, 81, 83-87, 201.

and that James II had instructed that this barony was to be held in chief of the crown even if a new earl of March were created.²⁰⁸ Certain evidence of Alexander Home's tenancy comes only with Albany's charter of 4 January 1477/8, whereby he was granted four merklands in Leitholm resigned by Edward Redpath²⁰⁹ - a probable reward for service which was substantially augmented on the following 22 June when lord Home's apparent heir took sasine of twenty-two merklands of Chirnside in terms of the duke's charter and precept.²¹⁰ John Home's lands of Over Crailing in Roxburghshire were given to him by his brother in or before 1472,²¹¹ and though he did acquire Whitrig, which may have been a tenandry of the earldom of March, he is not styled as laird of these lands before 1483.²¹² It is likely that he had an interest in some property in Philpstoun, an undoubted part of the earldom,²¹³ but notice of this first appears in a case heard by the Lords Auditors on 16 June 1479, and whether he held this land in fee or tack depends upon deciding which, if either, of two John Homes he might have been.²¹⁴ The brothers' presence at the inquest is thus hardly better explained than David Renton's. As to their, or at least Alexander's association with Albany, it is useful to note, if a formal tie other than tenancy is sought, that the main line of the Home family enjoyed the rare distinction of being regarded as the duke's kinsmen; Albany addressed Lord Home and his apparent heir as his 'weilbelovit cousingis' in a letter of 25 March

208. RMS, ii, nos. 512, 514, 525, 596.

209. HMC Rep. xii, App. part viii, 155, no. 235.

210. Ibid., 115, no. 88.

211. RMS, ii, no. 1092; ADA, 72. He resigned the lands in 1479; HMC Rep. xii, App. part viii, 121, no. 115.

212. Ibid., 117-18, no. 97; RMS, ii, no. 1907; ADA, 114. There is a Whittrighill at Nat. Grid ref. NT 621344; Johnston, Berwickshire Place-Names, 52.

213. The name seems to be lost, but the lands are coupled with Earlstoun - which Home acquired in 1489 (RMS, ii, no. 1907) - in accounts of the earldom of March: ER, ix, 427, 516; x, 247.

214. ADC, 30.

1478, in which he assured them that he would try to make an endowment of the family's collegiate kirk of Dunglass more secure.²¹⁵

Sir Archibald Hamilton of Innerwick served as juror at an inquest upon lands in Greenlaw in the earldom of March, held at Dunbar on 29 March 1468.²¹⁶ As part of the original Stewart inheritance, Innerwick - whereof Hamilton took sasine in 1454²¹⁷ - was in the sheriffdom of Renfrew, even though lying four miles south-east of Dunbar.²¹⁸ The lands did not therefore form part of the earldom of March. Hamilton's lands of Newton in East Lothian show no more sign of having lain within the earldom,²¹⁹ whilst his properties in Perthshire can scarcely be considered hereanent.²²⁰ Sir Archibald's connexion with the duke of Albany is indicated by three pieces of information. He witnessed a resignation in the duke's hands in Edinburgh on 12 January 1473/4,²²¹ and, though not known to have been with the duke at Dunbar Castle on any occasion, was prepared to accompany Albany to Lochmaben in 1476.²²² The duke appointed him steward on 5 November 1478, along with two others, to give sasine of Belton to George Cunningham, and Hamilton was evidently the one who carried out the task two days later.²²³

The others who served or attended the duke and whose status as his tenants in the earldom of March is less in doubt, or even

215. HMC Rep. xii, App. part viii, 167-8, 280.

216. SRO, GD 158, no. 38.

217. ER, ix, 662.

218. Barrow, The Kingdom of the Scots, 351.

219. Yester Writs, no. 214. Newton Hall is Nat. Grid ref. NT 521653.

220. ER, ix, 663.

221. See Table V below, p. 376.

222. See Table IV below, p. 374.

223. Yester Writs, nos. 193-4.

certain, are neither numerous nor, for the most part, especially well-attested as parttakers. In fact evidence for the presence with the duke of three tenants - David Home of Spott, Adam Edgar of Wedderlie and James Ogle of Papple - comes from the unusually extensive witness list of a single charter: that given on 3 November 1478 at Dunbar to George Cunningham of Belton.²²⁴ The locational style of Home suggests his tenancy,²²⁵ and Ogle's lands clearly lay in the earldom of March,²²⁶ whilst Edgar, if not certainly Albany's tenant in Wedderlie, does appear to have held lands of the duke in Chirnside.²²⁷ Little else remains to be said of these men: Home and Ogle served on the oft-mentioned suspect jury of inquest of c.1475/6, the latter apparently on behalf of his father, whom he had not then succeeded as portioner of Papple;²²⁸ Home was a cousin of his namesakes of that ilk and of Wedderburn and Polwarth,²²⁹ whilst Ogle's son Henry was the last beneficiary of Albany's late enthusiasm for conveyancing in April 1479.²³⁰ Albany's steward giving sasine of Papple and Luckie Shiel to Henry Ogle on 30 April 1479 was David Lyle,²³¹ probably the laird of Stoneypath in East Lothian and proprietor of a variety of lands in Berwickshire, all of which were within the earldom of March.²³²

224. See Table IV below, p. 374.

225. Little Spott at least was in the earldom of March: see Table VIII below, p. 385.

226. HMC Rep. Milne Home, 79, no. 173.

227. ER, ix, 429, 516-17. Wedderlie is Nat. Grid ref. NT 643519.

228. SRO, GD 12, no. 51; ADA, 51.

229. SP, iv, 445; ix, 106.

230. HMC Rep. Milne Home, 79, no. 173.

231. Ibid.

232. RMS, ii, no. 2126.

This one notice of any practical connexion with the duke is not bettered in the case of Lyle's near neighbour John Whitelaw of that ilk - who took his style from the March tenandry of Whitelaw in East Lothian²³³ and is known to have been with Albany only on 17 July 1470 when witnessing a resignation and its accompanying charter at Dunbar²³⁴ - or in the case of another ad hoc steward, William Purves - a tenant in lands near Earlston²³⁵ and probably the giver of sasine of lands in Greenlaw to William Redpath on 20 May 1476.²³⁶

Rather more notable is Robert Inglis of Lochend, probably a burghess of Dunbar,²³⁷ whose style appears to have derived from lands in the duke's barony of Dunbar²³⁸ and who also held two tenements in Greenlaw as heir to George Inglis, whom he succeeded in 1465.²³⁹ His possession of this latter property probably prompted his selection as bailie to infeft William Redpath in lands in Greenlaw, an office which he was empowered to carry out by Albany's precept of 10 November 1467.²⁴⁰ His connexion with the duke continued after the latter had taken personal control

233. David Lyle of Stoneypath held Whitelaw in Berwickshire: ibid. John Whitelaw served on an inquest upon lands in the earldom of March, and the lands of Whitelaw in East Lothian (Nat. grid ref. NT 566719) were certainly in the earldom of March in the 14th century: Yester Writs, no. 212; East Lothian Deeds, 14-15.
234. SRO, GD 158, nos. 42-43. See Table IV below, p. 374.
235. SRO, GD 266/121, bundle 1. His kinsmen and sub-tenant in Purvishaugh (Nat. grid ref. NT 600394), David Purves, was later forfeited for supporting Albany: see below, p. 284.
236. SRO, GD 158, no. 45. The surname of the steward is given twice in the instrument of sasine, being almost illegible at its first appearance and reduced to the form 'pv' at its second.
237. Dunbar was represented at the parliament of March 1481/2 and Inglis was one of the burgh commissioners elected lords of the articles: APS, ii, 137; see below, pp. 261-2.
238. RMS, ii, no. 2618. Lochend is Nat. Grid ref. NT 679778.
239. ER, vii, 97, 316, 399, 492.
240. SRO, GD 158, no. 36.

of his affairs for Inglis went on to witness Albany's charters of 18 December 1475 and 5 April 1476.²⁴¹ The second attestation was at Lochmaben Castle, suggesting that Inglis was with Albany's entourage on at least one journey. An association with Albany is far from being the only observable element of Inglis's career; he is found variously as sheriff-depute of Berwick,²⁴² chamberlain of Berwick²⁴³ and custumar of Dunbar²⁴⁴ during the 1470s.²⁴⁵ However, there may lie herein an expression of the notion that lords sought to promote their men as candidates for local office.²⁴⁶ The same sort of patronage is less likely to apply in the case of another local office-holder who was Albany's tenant: James Stewart, earl of Buchan and warden of the Middle March.²⁴⁷ Buchan is hardly to be seen as Albany's parttaker and any contact between the wardens can be taken as a necessity of their office rather than a sign of affinity. However, in view of the alliance between Albany and Buchan, his half-uncle, in 1482-3, it may be that any signs of an earlier connexion are worth considering.²⁴⁸ Buchan held Bedshiel of the duke, who gave his uncle new infeftment in the lands on 10 March 1469/70.²⁴⁹ This enabled Buchan to grant the lands anew to Thomas Shoreswood, the sub-tenant, in conjunct

241. See Table IV below, p. 374.

242. ER, viii, 2.

243. Ibid., 633.

244. Ibid., 188.

245. He was also custumar of Dunbar and Berwick and chamberlain of Berwick in the following decade: ER, ix, 63, 68, 81, 145, 157.

246. See above, p. 54.

247. Formerly known as Sir James Stewart of Auchterhouse, he became earl of Buchan 10 Mar. 1469/70 x 13 Aug. 1470, in which period he probably became chamberlain of Scotland and warden of the Middle March: HBC, 179; HMC Rep. xii, App. part viii, 111, no. 65; SRO, GD 158, no. 71.

248. See below, pp. 274-5. For Buchan's relationship to Albany see Nicholson, The Later Middle Ages, 618 (app. 2, genealogical table C).

249. HMC Rep. xii, App. part viii, 111, no. 65. He had originally acquired the lands in 1457; ibid., 110-11, no. 64.

infestment with his wife.²⁵⁰ The earl's charter to this effect was witnessed by three of Albany's men - Sirs James Liddell and Alexander Home, and Simon Salmon - who were at Newark in the Forest of Ettrick on 13 August 1470 for the occasion.²⁵¹ This may suggest that contact between the wardens was normally maintained by their men rather than in person, although Buchan was with Albany in Edinburgh on 12 January 1473/4, witnessing a resignation in the duke's hands.²⁵² This is the sole evidence for Buchan's attending the duke during the latter's adult life, although it is worth observing that on 8 May 1468 Albany and Sir James Stewart of Auchterhouse, as he was then, were granted a six months' safe-conduct by the English government to allow them to make a pilgrimage to various places in England.²⁵³

One office over which Albany had personal control was the permanent stewardship of March, and the likely holder of this position - George Cunningham of Belton - is the one remaining person who can be said to have combined tenancy in the earldom with service to the duke. Cunningham was infest in the lands of Belton and Killpallet - valued at forty merks yearly - as heir to his father, Sir William Cunningham, on 11 March 1471/2 following Albany's precept.²⁵⁴ His lack of a male heir later forced him to seek new infestment from the duke, and in a charter of 3 November

250. Shoreswood's sub-tenancy dated from 1458: SR0, GD 158, nos. 68-69.

251. Ibid., no. 71.

252. See Table V below, p. 376.

253. CDS, iv, no. 1375. Sir James's brother, the earl of Atholl, was also included in the safe-conduct.

254. Yester Writs, nos. 170, 212. Cunningham also held lands in Fife, Ayrshire and Dumfriesshire: ibid., nos. 201, 204, 209; RMS, ii, no. 1514. His lands of the barony of Snade in Dumfriesshire (Nat. Grid ref. NX 846857), worth forty merks yearly, were not in the lordship of Annandale - they were held in chief of the king: Yester Writs, no. 168.

1478 Belton was entailed to Cunningham's daughter Elizabeth and her heirs by her husband, John Hay, second son of John Hay of Olivercastle, providing that any heir by this descent were to change his name and arms to those of Cunningham.²⁵⁵ This charter, which, in the proviso anent the heir's name at least, might be construed as a piece of good lordship by the duke, followed Cunningham's resignation at Lochmaben Castle - a venue which suggests entourage service by Cunningham, so long as the resignation was not effected by a procurator.²⁵⁶ Cunningham's chief service is, however, revealed in letters of summons issued on 16 March 1475/6 following upon a complaint by Sir John Swinton of that ilk.²⁵⁷ The matter at issue here was the long-running dispute between Swinton and Laurence, Lord Oliphant over possession of the lands of Cranshaws in the earldom of March. In particular Swinton was alleging that the jurors of Albany's regality court had erred in finding Lord Oliphant to be rightful heir to Cranshaws and protesting that their presiding officer, George Cunningham of Belton as steward of March, had held the court outside the bounds of his jurisdiction.²⁵⁷ Whatever the merits of Swinton's claim to the lands he did have every cause to question the impartiality of the court. Albany, for reasons which are made clear in a subsequent indenture, favoured Lord Oliphant's claim, and there can be little doubt that the jury's decision met the duke's requirements. Whether this means that Cunningham or any of the jurors were corruptible is, of course, undemonstrable even

255. Ibid., no. 191.

256. Ibid.

257. SR0, GD 12, no. 51.

though there may be grounds for believing that Albany had packed the jury.²⁵⁸ Nevertheless, it is worth noting that, having failed to get satisfaction from the Lords Auditors upon his original protest, Swinton managed to procure the issue of further letters of summons which required Cunningham to answer not only for holding the court outside the stewartry of March but also for omitting beforehand to take an oath to the execution of his office.²⁵⁹

On the strength of the indenture, made at Edinburgh on 20 February 1476/7²⁶⁰ and witnessed by associates of both contracting parties,²⁶¹ Oliphant himself deserves some consideration as an adherent of Albany; the document does not merely demonstrate acceptance of Oliphant's right to Cranshaws, but in addition sees Oliphant addressed as the duke's 'cusyng and servand'. However, this is as far as indication of affinity goes, for there is no evidence as to how Oliphant might have served the duke, and what the indenture shows is a piece of sharp practice by Albany, who sought, while appearing to be benign, to get something for nothing.

The benefit to Albany of supporting Oliphant's claim to Cranshaws was that he could then say that the lands had been

258. Arranging for a partial jury need not have been a matter of great difficulty, nor even illegal: see above, p.41. As a representative sample of the freeholders of the earldom the jury is less than convincing. Of the fifteen jurors only seven are certain to have held land in the earldom, while the lairds of Hume, Billie, Butterdean and Mersington were Albany's men, and the same may have been true of the laird of Spott, the heir of the laird of Papple, and the laird of Hume's brother. Another, John Montgomery, son of the laird of Thornton, was with the duke in treasonable circumstances in February 1482/3: see below, p. 281.

259. SRO, GD 12, no. 52.

260. Ibid., no. 58.

261. See Table V below, p.376. James Herring and Master James Fenton were probably there accompanying Lord Oliphant: cf. RMS, ii, nos. 1147, 1231.

in non-entry for the thirty years following the death, on 23 January 1445/6, of John Oliphant of Aberdalgie, Laurence's father.²⁶² This meant that the yearly mail of twenty marks would have been due as revenue of the earldom of March during this time, whereas in practice Sir John Swinton had enjoyed the lands for most of the period, having had difficulty only when royal agents attempted and failed to have Cranshaws recognized as property rather than tenandry of the earldom.²⁶³ Albany's interest in Oliphant's revival of his father's claim was thus purely opportunistic; if Swinton's title to Cranshaws were upheld then the lands had not been in non-entry, and the duke had no prospect of obtaining a large sum in back rent. In supporting Oliphant Albany could also give the impression of magnanimity: he demanded only thirteen years' mail - a total of £260.²⁶⁴

This seems to show scant regard for any claim which the king might have had upon the rents for the period of Albany's tutelage, but, leaving this aside, £260 was the sum which Oliphant agreed to pay - in termly instalments of ten pounds. The framing of the indenture shows that this payment was technically to be undertaken in consideration of Albany's gift to Oliphant of the whole of the mails of Cranshaws for the thirty years. In truth

262. He was killed at the battle of Arbroath: The Asloan Manuscript, ed. W.A. Craigie (Scottish Text Society, 1923-4), i, 220. Sir John Oliphant had taken 'pretended' sasine of Cranshaws on 28 February 1442/3, but this was annulled the next day by Sir John Swinton: SR0, GD 12, no. 36.

263. The farms of Cranshaws were first charged to the account of the receiver of March in the exchequer year 1457-8, but were not successfully diverted from John Swinton's hands until the Whitsunday term of 1459: ER, vi, 430, 433, 537, 539. Swinton's appeals to James II and later to the widowed Queen Mary eventually brought success, for he was allowed to raise the mails of Cranshaws at Martinmas 1462, and his right to the lands seemed to be confirmed by an inquest in May 1464: ER, vii, 318; SR0, GD 12, nos. 40-41, 45.

264. Ibid., no. 58. Cranshaws was charged at twenty marks when in the king's hands (see above, n. 263), but a terce seems to have been deducted: Swintons, 31.

Albany was giving something away which he did not have and demanding in return mails which Oliphant had never raised.²⁶⁵ What Albany was actually offering to Oliphant amounted to his support, his promise never to treat with Sir John Swinton or his heirs and, most relevant of all, his authority to pursue Swinton or anyone else who had raised the mails of Cranshaws since Sir John Oliphant's death. The agreement was only valid so long as Lord Oliphant was able to possess the lands, and whether this condition was met does not seem to be recorded. Nonetheless, it was a bargain which held out the prospect of effortless gain for the duke, even though it might not have endeared him to his elder brother, or indeed to Lord Oliphant.

Albany's affinity in the 1470s thus extended some way beyond the men accused of complicity in his alleged crimes. It is possible to add, with a certain ^{amount of} confidence, around eight lairds²⁶⁶ and five other laymen²⁶⁷ from the earldom of March and its environs. Even so, it remains impossible to say that Albany

265. Albany did hand over twenty pounds to Lord Oliphant - a sum which he probably raised on the latter's behalf by unlawful distraint of Sir John Swinton and his tenants in 1476: SR0, GD 12, nos. 53-55, 58-59.

266. Sir James Liddell of Halkerston, Sir Alexander Home of that ilk, Sir Archibald Hamilton of Innerwick, David Renton of Billie, George Cunningham of Belton, Robert Lauder of Edrington and Robert Inglis of Lochend might reasonably be taken as the duke's men. Adam Edgar of Wedderlie, David Home of Spott, John Home of Crailing, David Lyle of Stoneypath, James Ogle of Papple and John Whitelaw of that ilk may have seen Albany as their lord, but the evidence for this is jejune.

267. The connexion of William Brown, William Ker, George Rule, John Rule and Patrick Smeaton with Albany seems to be sufficiently documented. John and Adam Murray may have had closer ties with the duke than the evidence suggests, whilst Patrick Hamilton, son of the laird of Innerwick, and others involved in distraining the tenants of Cranshaws in 1476 might be counted among Albany's agents: SR0, GD 12, nos. 53-55, 59.

exercised commanding lordship over either a region or his tenants in the earldom. Reference to even a handful of retours of tenants within Berwickshire and the constabulary of Haddington reveals the names of dozens of jurors, and, therefore, freeholders of the region, whose demonstrable contact with Albany was nil.²⁶⁸ Although relatively few writs of infeftment of his tenants are known to have survived, it is clear enough from other sources that those of his vassals who associated with the duke were in a small minority.²⁶⁹ Among the charters which do survive the usual considerations are to be found - the 'faithful service rendered and to be rendered' by Thomas Shoreswood²⁷⁰ and the duke's 'beloved' John and William Redpath²⁷¹ and the 'manifoldly rendered favours' of David Home are cited as having prompted infeftment²⁷² - but these phrases go unaccompanied by supporting evidence to show that they were more than conventional courtesies.

For Annandale the evidence for adherents of the duke of Albany is particularly slim. This may well be due in part to the fact that a mere handful of writs of infeftment of tenants in the lordship survives - a handful which, excepting a remarkably low death rate among freeholders there during the 1470s, can barely reflect the number of conveyances actually authorized by the duke.

268. SRD, GD 12, nos. 45, 51; GD 45/16, no. 2741; GD 158, nos. 38, 48; GD 267/27, bundle 76; Yester Writs, nos. 197, 212; HMC Rep. Milne Home, 258, 263, nos. 586, 605; Scot. Antiq., vii, 25.

269. A cursory search identified 25 other contemporary March freeholders.

270. SRD, GD 158, no. 40.

271. Ibid., nos. 35, 42, 47.

272. SRD, GD 267/32, bundle 10.

However, there is also the possibility that Albany made little effort to cultivate supporters in Dumfriesshire. In the first place it is clear that Albany was normally based at Dunbar Castle²⁷³ and that, in spite of being warden of the west march, his excursions to Annandale were specially made and were, so far as evidence allows, only three in number.²⁷⁴ Otherwise the only concession of good lordship made to his tenants in Annandale was to conduct some of his business with them in Edinburgh.²⁷⁵ It is also notable that his one charter known to have been issued at Lochmaben was witnessed by only two Annandale lairds, the other four men present having come with the duke from the east march.²⁷⁶ No obvious reversal of this situation took place, for no persons from the south-west are known to have been with the duke on any occasion when an Annandale tenantry was not involved.²⁷⁷

It seems reasonable to suppose that Albany required agents in Annandale to administer the lordship and keep Lochmaben Castle. Who any permanent officers might have been is not patently clear, but it is not unlikely that they are to be found among the eight ad hoc bailies known to have been appointed by Albany to carry out sasines in Annandale.²⁷⁸ One - Thomas Moffat of Meikleholmside - acted for the duke in giving sasine of Kirkbride to Vedast Grierson of Lag on 7

273. See Table IV below, p. 374.

274. HMC Rep. vi, App., 711, no. 7; Yester Writs, no. 191; TA, i, 47.

275. See Tables IV and V below, pp. 374, 376.

276. HMC Rep. vi, App., 711, no. 7.

277. See Tables IV and V, pp. 374, 376. All except nos. 6 and 8 of Table IV and 2, 3 and 5 of Table V concerned lands in the earldom of March.

278. The Gifford brothers, James of Sheriffhall and Alexander, appointed bailies on 14 Jan. 1473/4 to give sasine of the barony of Morton (strictly speaking, in the lordship of Nithsdale), are not counted here; they were not from the south-west: SRO, GD 150, no. 156; see above, pp. 148, 169.

October 1472.²⁷⁹ The rest can be found named in a single precept, for seven bailies - a curiously large number - were nominated by Albany in August or September 1473 to give sasine of Rockhall to Roger Grierson.²⁸⁰ Of four of these men - Thomas Kirkpatrick of Closeburn, George Hayes, William Johnstone of Marjoriebanks and Henry Kirkpatrick of Knock - as well as Thomas Moffat there is no further comment to be made anent their attachment to the duke of Albany. The remaining three nominees - Archibald Carruthers of Mouswald, William Douglas of Drumlanrig and John Gordon of Lochinvar - do merit a little additional attention. Carruthers in particular may have been of some significance to Albany, for he is found acting as his bailie on 23 April 1473, giving sasine of Murraythwaite to Patrick Murray,²⁸¹ and he was one of the local lairds with the duke at Lochmaben on 5 April 1476.²⁸² In addition he seems to have been the beneficiary of a piece of maintenance by the duke, whose testimony before the Lords Auditors on 14 May 1471 ensured that it would be Carruthers and not Thomas Corrie of Newbie who enjoyed the tack of the customs and tolls of Annandale and of the foggage of Woodcock Air.²⁸³ William Douglas appears as steward of Annandale on 24 October 1472, presiding over a jury of inquest concerning lands held of the duke of Albany.²⁸⁴ Since Annandale was held in regality it may be supposed that Douglas was Albany's appointee, although it need not be assumed that he held permanent office as steward. John Gordon

279. Lsq. Chrs., no. 15.

280. Ibid., no. 17. The date of 2 Aug. for the precept is improbable, for it predates the related charter by twenty-two days. Sasine was given on 18 Sept.: ibid., nos. 18-19.

281. SR0, GO 219/37.

282. HMC Rep. vi, App., 711, no. 7.

283. ADA, 13.

284. Lsq. Chrs., no. 16.

of Lochinvar is named in one other Albany writ - as a witness of Vedast Grierson's resignation in the duke's hands at an unknown location on 28 July 1477. He seems to have been accompanied on this occasion by either his son and apparent heir or his brother, both of whom were called Alexander.²⁸⁵

This same resignation by Grierson also saw the sole recorded appearance of John Shaw of Carse and William Shaw in the duke's company. If it can be said that their presence owed more to an interest in the affairs of Grierson and his son than to any affinity with Albany, the same explanation might then apply to Gavin Maxwell's attestation of the duke's charter to Roger Grierson on 24 August 1473.²⁸⁶ It might similarly be said that John Cairns of Orchardton was in Albany's chamber in Edinburgh on 20 December 1475 only because Lord Carlyle and Robert Graham of Auchencastle were there too.²⁸⁷

To state that all these men, and, besides, Cuthbert Murray of Cockpool, who was with Albany at Lochmaben on 5 April 1476,²⁸⁸ were either definitely or probably the duke's tenants is to make no useful contribution to an examination of the extent of his lordship in Annandale; Albany's tenants there are to be found in relative abundance. What is lacking is satisfactory evidence of affinity on the part of any of them, with the possible exception of Carruthers of Mouswald. On the contrary, it is apparent that no-one from Annandale or its environs merited personal summons in connexion with Albany's putative treason in 1479.

285. See Table V below, p. 376; RMS, ii, nos. 1722, 1984.

286. See Table IV below, p. 374.

287. See Table V below, p. 376.

288. HMC Rep. vi, App., 711, no. 7.

Albany's one noteworthy associate to have drawn income from Annandale was not in fact his tenant there, although he may have benefited from the duke's patronage. This was Master Malcolm Drummond, the duke's secretary for perhaps most of the 1470s and initially found as a parson of the Annandale parish of Pennersaugh. ²⁸⁹ Drummond is known to have been in Albany's company on nine occasions, variously in Dunbar and Edinburgh, between 1473 and 1479, witnessing six charters and three other writs drawn up in the duke's presence. ²⁹⁰ The patronage of his parish of Pennersaugh, of which he is the recorded incumbent in 1473 and 1475, ²⁹¹ had once lain with the lords of Annandale, though whether Albany was able to exercise this right is less than certain. ²⁹² It may be a little less doubtful that Albany was responsible for presenting him to the parsonage of Dunbar, which Drummond held from no later than 1477. ²⁹³ As parson of Dunbar it seems that Drummond would also have been archpriest, or at least a prebendary of the collegiate kirk of Dunbar, although he is never styled as such. ²⁹⁴

Drummond, though termed the duke's secretary on only one occasion in 1477, ²⁹⁵ may have held the office during the whole period of his association with Albany, for a predecessor is found only in writs of 1470. In that year Master Alexander Inglis, doctor of decreets and subdean of Dunkeld, was secretary, being thus styled when a witness of two resignations in Albany's hands and of the charters which followed them. ²⁹⁶ Thereafter this brother of Robert Inglis

289. Pennersaugh (or Pennersax) is Nat. Grid ref. NY 209742.

290. See Tables IV and V below, pp. 374, 376.

291. Lag Chrs., no. 18; RMS, ii, no. 1428.

292. Cowan, Parishes, 162.

293. SR0, GD 158, no. 47.

294. Patronage of the offices and prebends of Dunbar Collegiate Kirk had been reserved to the earls of March at the kirk's foundation in 1342: SHS Misc., vi, 89-100.

295. SR0, GD 158, no. 47.

296. Ibid., nos. 39-40, 42-43. Inglis's ecclesiastical career was one of some variety: Watt, Fasti, 13, 105, 117, 307-8. RMS, ii, p. 935.

of Lochend²⁹⁷ disappears from Albany's company, and his time in the duke's service is probably to be seen as no more than a stepping-stone en route to greater things in the king's service.²⁹⁸

Another official of a see remote from Dunbar enjoyed a rather lengthier connexion with Albany, even though he seems to have held no office under him. Master Martin Wann is found as a member of the young Albany's council in 1467²⁹⁹ and he remained within the duke's orbit thereafter, in spite of becoming, in 1468, chancellor of Glasgow - an office which he was to retain, except for a hiatus at some time between 1479 and 1482, until 1505.³⁰⁰ He went on to witness, between 1473 and 1479, another four of the duke's charters, whereof three were given at Dunbar Castle and one in Edinburgh, and two resignations in the duke's hands.³⁰¹ The last of these attestations was at Dunbar on 22 April 1479, and the oddly appropriate break in his tenure of the chancellorship of Glasgow offers the distant possibility that Wann was the only one of those who left Albany's castle shortly before the siege to suffer any consequences for adhering to the duke. Precisely why the chancellor of Glasgow should have developed a connexion with Albany seems to defy explanation; unlike Alexander Inglis a kinsman of his is found neither in the duke's company nor even in the earldom of March.

297. RMS, ii, no. 2618; see above, p. 250.

298. HBC, 184, 190.

299. SRO, GD 158, no. 35.

300. Watt, Fasti, 162.

301. See Tables IV and V below, pp. 374, 376.

Nonetheless, a connexion there undoubtedly was.

If it could be demonstrated that Master George Liddell had anything more than a surname in common with the laird of Halkerston, it might be easier to understand his association with the duke of Albany — an association which brought him into intermittent attendance upon the duke between 1470 and 1477/8 as a witness of three charters given at Dunbar and another in Edinburgh.³⁰² No right of presentation seems to have played any part; Liddell had been parson of one or other of the parishes in Ettrick known as Forest since at least 1459, so Albany, even in the unlikely event that the patronage was his, could not have presented Master George to his benefice.³⁰³ On the other hand, it may be sufficient to note a reversal of the situation which applied to Alexander Inglis: instead of moving from ducal to royal service, Liddell seems eventually to have found his way into Albany's affinity after losing the post of royal secretary in 1462.³⁰⁴

These four men are the only beneficed clerks whose recorded association with Albany could be called significant. Though the duke perhaps enjoyed the patronage of the prebends of Dunbar Collegiate Kirk he seems to have had virtually no contact with incumbents of the same. Archibald Whitelaw, dean of the collegiate kirk c.1467-77³⁰⁵ did witness one of Albany's charters of 1467, but it can hardly be said that this owed anything to his tenure of this particular office.³⁰⁶ Master Alexander Gifford,

302. See Table IV below, p. 374.

303. RMS, ii, no. 1043; Cowan, Parishes, 27, 63, 68, 211-12.

304. HBC, 186.

305. Watt, Fasti, 354.

306. Whitelaw was also the royal secretary: HBC, 186.

the next known dean after Whitelaw,³⁰⁷ did witness Sir William Douglas's resignation in the duke's hands,³⁰⁸ but this was some years before he could have entered the deanery, and he was surely present either in company with the earl of Morton or as his representative.³⁰⁹ It is possible that his becoming dean was connected with the drift of the master of Morton and James Gifford of Sheriffhall into association with Albany,³¹⁰ but to show that this was likely requires a more exact date than is at present available for Master Alexander's acquisition of the benefice, which might have occurred at any time between 1477 and 1488.³¹¹

The one unbeneficed clerk who can be linked with the duke is Matthew Badenoch, probably the notary public normally employed by Albany. Badenoch's diocese as a notary was Aberdeen, but it seems unlikely that he was actually resident there during the early 1470s at least; he was notary of two resignations in the duke's hands at Dunbar in 1470,³¹² of George Cunningham's sasine of Belton in 1471/2³¹³ and joint notary of Sir William Douglas's resignation in Edinburgh in 1473/4.³¹⁴ That clear indication that he was subsequently in Albany's employ should be lacking is probably just a consequence of the vagaries of the available evidence, for

307. Watt, Fasti, 354.

308. See Table V below, p. 376.

309. See above, pp. 170-2.

310. See above, pp. 154, 165 and below, pp. 274, 277-8.

311. Watt, Fasti, 354.

312. SR0, GD 158, nos. 39, 43.

313. Yester Writs, no. 170.

314. SR0, GD, no. 154, printed in Mort. Reg., ii, 219-21.

Badenoch was among the witnesses of the duke's charter given at Dunbar Castle on 22 April 1479.³¹⁵

The distinction between those whom his writs reveal as having served or attended the duke of Albany during the 1470s and those who were implicated in his putative treason in 1479 comes close to being complete. The two categories overlap only with John Ellam of Butterdean, Simon Salmon and Patrick Home of Polwarth.³¹⁶ Detailed explanation of this is impossible, but in general the narrowness of the overlap probably offers fairly straightforward support for the idea that there were 'several circles of clients whom a great lord commonly attracted'³¹⁷ by showing that Albany's affinity was not confined to those whose names appear in his writs. So far as divisions can be drawn, there appear to have been roughly four areas of Albany's lordship: his household, which can in turn be sub-divided; his locally-based administration; the closer circle of his non-household affinity, from which the duke drew members of his entourage; and a wider affinity, whose members did not normally attend the duke.

Albany's household provided office for at least five persons at any one time. The identifiable office-bearers are Sir James Liddell of Halkerston, master of the household; John Ellam of Butterdean, captain of Dunbar Castle; Master Malcolm Drummond, and prior to him Master Alexander Inglis, secretary; George

315. See Table IV below, p. 374.

316. See above, pp. 221, 224-8.

317. Dunham, Lord Hastings' Retainers, 27.

Cunningham of Belton, steward; and Simon Salmon, receiver.

There is a strong possibility that these men required to spend a lot of their time at Dunbar with the duke,³¹⁸ and that some served on his council. A second tier of the household probably included William Brown, George Rule, John Rule and Matthew Badenoch - men known neither to have had freehold property nor permanent office, although the last-named was probably normally employed as notary by Albany and John Rule was given office ad hoc. In addition there would be a variety of men of insufficient standing to appear as charter witnesses, some of whose names no doubt occur in the list of those forfeited for defending Dunbar Castle in 1479.

Officers based furth of Albany's household are notably difficult to identify. Annandale is more or less a closed book where Albany's administration is concerned, and even the officers of the several fragments of the earldom of March cannot be named with any assurance. It is unlikely that Albany employed many fewer serjeants in the earldom than the seven who served the king there in the 1460s.³¹⁹ However, once Patrick Smeaton's service as serjeant has been mentioned, only guesswork can produce a similar total. Smeaton's assistants in distraining the tenants of Cranshaws - Patrick Hamilton, son of the laird of Innerwick, Gilbert Nevison, Andrew Crichton and William Heriot - may have held permanent office of some sort.³²⁰ This might also

318. Liddell and Salmon at least may have regularly resided in Dunbar - both seem to have had property in the burgh: RMS, ii, no. 3145; APS, ii, 128. Cunningham's messuage of Belton lay about 2½ miles south-west of Dunbar.

319. ER, vii, 100, 179, 565.

320. SRO, GD 12, nos. 53, 59. They might equally have been Lord Oliphant's men - this was almost certainly true of Master James Fenton, another participant in the distraint: ibid., nos. 58-59; RMS, ii, no. 1231.

be true of some of those whom the duke appointed as ad hoc stewards, but, lacking evidence of any men being regularly nominated for the office, there is scant basis for a firm conclusion on this matter.³²¹

Also beyond the household Albany was able to offer lordship to a limited number of men with independent means and no office. David Renton of Billie, Sir Alexander Home of that ilk, Master Martin Wann and Master George Liddell seem likely to have been parttakers who were regularly with the duke, but who travelled to attend him. They may, along with some of the household, have been members of the duke's council. There is probably sufficient reason for including in this group Sir Archibald Hamilton of Innerwick, Robert Inglis of Lochend, Robert Lauder of Edrington and John Liddell, son of the laird of Halkerston - who were all in rather more intermittent attendance upon the duke.

How many others who, though attending or serving him rarely or not at all, saw Albany as their lord or simply enjoyed and reciprocated his goodwill is hard to say. Some may be found among incidental witnesses and servants, but it seems quite likely that a large part of such a group is represented by those summoned on 16-17 June 1479. It might be supposed that the charge of truce-breaking indicates at least part of the substance of their association with Albany - that is to say that these men were assembled by the duke for forays across the border.

321. Out of thirteen men known to have been nominated as steward or bailie in the earldom of March only two - David Renton of Billie and Patrick Smeaton - were nominated twice.

With regard to the basis of Albany's lordship, it is plain that the prospect of material gain could have been a major incentive only for any persons interested in the acquisition of booty during raids in the duke's company. No doubt office-bearers were paid for their services and lesser household servants and soldiers received their keep in some form, but it appears that Albany was not a source of riches for his adherents. No established tenants are known to have been conceded anything in their terms of tenure, whilst identifiable new tenants of his, excluding those simply succeeding as heirs, number only seven: William Redpath (1467),³²² Thomas Shoreswood (1470),³²³ John Redpath (1470),³²⁴ John Douglas, master of Morton (1473/4),³²⁵ Walter Bertram (1475),³²⁶ George Home of Wedderburn (1476)³²⁷ and Alexander Home of that ilk (1477/8 and 1478).³²⁸ Only the second gift to Alexander Home came out of the duke's property,³²⁹ whereas all of the remainder followed resignations in favour of the grantee. Moreover, the undoubtedly haphazard survival of evidence of infeftments does not mislead; a comparison of the property of March and Annandale before and after Albany's period in possession shows minimal change.³³⁰ Underlying this is the probability that Albany had little enough to give.³³¹ Albany

322. SRO, GD 158, no. 35.

323. Ibid., no. 40.

324. Ibid., no. 42.

325. SRO, GD 150, no. 156.

326. RMS, ii, no. 1428.

327. SRO, GD 267/31, bundle 84, printed in HMC Rep. Milne Home, 23, no. 16.

328. HMC Rep. xii, App. part viii, 115, 155, nos. 88, 235.

329. ER, ix, 519-20.

330. See below, pp. 318-19. The change was of gain rather than loss.

331. See below, pp. 317-18.

was able to offer some tacks to men who were not the actual tillers of the soil, but these are ill-documented, were in any case not free gifts and may have been intended to provide income from lands which the duke had failed to set to husbandmen.³³²

A similar lack of resources applied to ecclesiastical patronage; there is, in fact, no concrete evidence that the duke enjoyed any right of presentation, even over the collegiate kirk of Dunbar and the parish of Pennessaugh.

Kinship played no greater part than material patronage. Albany's marriage to Catherine Sinclair, daughter of William, earl of Orkney, had no noticeable effect on his affinity, and of the men whom the duke chose to address as kinsmen - the earl of Buchan, Lord Oliphant and members of the main line of the Homes - only Alexander Home of that ilk spent a significant amount of time in his company. It is interesting that kinship, though possibly remote, should have been invoked as a bond in the case of Home, whose support Albany also took trouble to cultivate with grants of land; Home and his kinsmen formed a substantial bloc of lairds in the east march, and it may well have been that Albany saw here a man whose potential influence was great enough to make his support essential.

Tenants certainly formed a large part of Albany's affinity, but it is doubtful whether the tie of tenancy was the crucial element in his lordship. It is probably more appropriate to see his lordship as regional, for, with few exceptions, his associates were drawn from the south-east of Scotland and among them were both tenants and non-tenants. The explanation of this is probably not too obscure. For those in the south-east who required a lord,

332. See below, pp. 318, 331.

Albany was not an unreasonable choice; as a king's brother, a duke, a march warden, the admiral of Scotland and the most important landowner of the region, whose regality court had jurisdiction, it may be supposed, over the bulk of the population of Berwickshire and eastern East Lothian, Alexander Stewart had both power and kudos. Albany's position in his other area of influence, Annandale, was scarcely less than this, even though he was there not a great landowner but a great lord superior. The difference was that Albany dwelt at Dunbar and not at Lochmaben. Albany was thus accessible to men in and around the earldom of March, and however small a proportion of the region's occupants actively sought his lordship - perhaps restricted in part by his having no tradition of lordship to follow - he did have something to offer. This is exemplified by perhaps his most notable feat in the field of lordship: his gaining the adherence of Sir James Liddell of Halkerston and David Renton of Billie, both of whom had as their feudal lord the earl of Angus, a magnate who represented one of the older and wealthier comital families of the kingdom and whose seat at Tantallon was hardly remote.

Whether any of his men genuinely hoped for Albany's return is unanswerable, but it is clear enough that there is not a large degree of discernible correspondence between the duke's affinity of the 1470s and his supporters during the period July 1482-May 1483, when he was once again in Scotland. The evidence for this latter

period, though not copious,³³³ allows it to be said that Albany attracted during these ten months supporters who seem to have had no previous connexion with him, and, conversely, that only a few of his earlier parttakers rallied to his side in 1482-3. The principal reasons for this difference are not hard to find, being tied up with the circumstances of the duke's reappearance in Scotland: his need for alliances with certain members of the nobility - unprecedented in the 1470s - is explained by the complex political crisis in which he became entangled; his ineptitude and inconstancy during the political manoeuvring coupled with the fact that he was engaged in treason at both his arrival and departure show how he could severely have taxed his old adherents' loyalty. However, this is not quite sufficient: political alliance with peers does not explain the association with Albany in 1482-3 of a number of lesser individuals with no previous history of attachment to him, whilst the duke's treason and inability to cope with the political crisis make it less easy to understand the remarkable loyalty of certain of his old adherents.³³⁴

Albany's first exile was spent for the most part in France, where, it might be said in passing, he contracted his second and only lawful marriage - to Anne de la Tour, daughter of Bertrand, count of Auvergne and Bouillon.³³⁵ He left France for England,

333. There seems to be at least one surviving charter of the duke's from this period which could be added to those noted below, p. 375. This involved the lands of Dumcrieff and the half lands of Wyseby in Annandale, granted to Sir Adam Murray of Dumcrieff in 1482, and would seem to be in the Mansfield Charter Chest: SP, i, 219. NRA Survey no. 776, dealing with the documents of the earl of Mansfield at Scone Palace, makes no particular mention of the charter.

334. The framework of political events against which the following is set is derived principally from the account in Macdougall, James III, 168-90. Any distortion of the narrative or interpretation of evidence contained therein is unintended.

335. APS, ii, 283, 388; RMS, iii, no. 111; SP, i, 153.

accompanied by his servant, John Rutherford, around the start of May 1482³³⁶ - a time when Edward IV of England was well into his preparations for a large-scale invasion of Scotland.³³⁷

Since Albany was at once allotted a role in the projected invasion it is obvious that his arrival in England was no coincidence.

It barely matters whether his involvement was the duke's own idea or King Edward's, for the scheme had attractions for both.

Edward saw the chance of broadening the scope of his invasion plans to include the deposition of James III and replacing him

with a client king, namely the duke of Albany.³³⁸ It is to be

doubted whether this idea ever inspired genuine interest on

Albany's part, but the duke did at least accept the proposition

as being the price of the support which he needed in order merely

to gain reinstatement in Scotland.³³⁹

The plan was never put into effect, chiefly because the arrival in the second half of July of the English army led by the duke of Gloucester had an unanticipated effect: it provided the opportunity for the seizure and imprisonment of James III by a group of conspirators led by his half-uncles, the earls of Buchan and Atholl.³⁴⁰

Upon entering Edinburgh at the start of August, Albany and Gloucester found the king imprisoned in the castle and 'not available to be

coerced'.³⁴¹ With the bulk of his army under contract for only

a month's service, Gloucester had little time in which to give

Albany assistance.³⁴² All he could do for Albany was negotiate

336. CDS, iv, no. 1474.

337. The issues which prompted this invasion and the arrangements made for both launching and resisting it are fully treated in Macdougall, James III, 140-55.

338. CDS, iv, nos. 1475-6.

339. Macdougall, James III, 153, 180. An alternative view is offered in Nicholson, The Later Middle Ages, 496, 506.

340. Macdougall, James III, 158-68.

341. Ibid., 169.

342. Ibid., 154.

with some available members of James's government; and, once the idea of making Albany king had been discarded through lack of interest, secure an agreement that the duke should be confirmed in his old titles and offices and pardoned for his offences.³⁴³ A few days later Gloucester and his army were gone and Albany was left to make the best of the situation.

Thus cast adrift Albany was left to find out how best to ensure that his rehabilitation was converted from promise into actuality. After some indecision he seems to have elected to side with the king's supporters, and he laid siege to Edinburgh Castle.³⁴⁴ This had the effect of releasing his brother on 29 September but not of producing a political solution. Albany obtained the earldom of Mar from his brother as a reward for his services in releasing him but not the pre-eminent position in government for which later events show he was looking. Even in his straitened circumstances - the king did not become a free agent immediately after his release - James was adroit enough to prevent Albany from dictating terms to him. In the end the king's release resulted in the postponement of a settlement until proposals could be put before parliament - summoned to meet on

343. CDS, iv, no. 1479; Macdougall, James III, 169-70.

344. Ibid., 170-1. The only known parties to this enterprise are the laird of Dundas and the officers and citizens of Edinburgh. There is little significance in the fact that one of those who took part - Walter Bertram, former provost of Edinburgh - had been granted various lands by Albany in 1475: ibid., 175; RMS, ii, no. 1428. Rather more significant is that Bertram sustained considerable loss at the hands of Albany and his accomplices and can hardly have been encouraged to render the duke any further service: ibid., no. 1829.

2 December - and in Albany coming to an understanding with the faction led by James's erstwhile captors, the earls of Buchan and Atholl.³⁴⁵

It is probably to the months of October and November that at least some of the various bonds made by the duke in an effort to assemble support and denounced the following March in an indenture forced upon him by the king should be ascribed.³⁴⁶ The persons whom this indenture names as having made bonds with the duke were Andrew, bishop-elect of Moray,³⁴⁷ John, earl of Atholl and James, earl of Buchan - the three Stewart half-uncles; Archibald Douglas, earl of Angus and William, Lord Crichton - both likely to have been involved in the seizure of King James at Lauder;³⁴⁸ Andrew, Lord Gray, who may well have been responsible for admitting the English army into the town of Berwick in July;³⁴⁹ Sirs James Liddell of Halkerston and Alexander Home of that ilk, two of Albany's old associates; and Sir John Douglas, son and apparent heir of the earl of Morton. That Angus, Gray and the three Stewarts were Albany's kinsmen³⁵⁰ and that Buchan and Crichton were tenants of the duke - the former on a small scale in the earldom of March³⁵¹ and the latter on a large scale in Annandale³⁵² - can probably be overlooked.

345. Macdougall, James III, 171-5.

346. APS, Index and Supplement, 31-33. That there were differences in the timing of groups of Albany's bonds is suggested in Macdougall, James III, 186.

347. Alexander Stewart's attempt to become archbishop of St Andrews received Albany's support: ibid., 172, 187; Nicholson, The Later Middle Ages, 508.

348. Macdougall, James III, 166-7. Albany's alliance with Angus may well have been obstructed initially by the terms of the duke's agreement with Edward IV: Nicholson, The Later Middle Ages, 511; Kelley, 'The Douglas Earls of Angus', 208-9.

349. Macdougall, James III, 155.

350. Angus and Gray were the duke's kinsmen according to the writ of 12 Jan. 1482/3 whereby Albany commissioned them to treat with the king of England: CDS, iv, no. 1486.

351. See above, p. 251.

352. ER, v, 669; vi, 273, 446, 551; RMS, ii, nos. 1603, 1784.

With the rather dubious exception of Buchan, none of these lords was obviously connected with the duke before 1482, and the bonds were clearly created out of political expediency, with Albany affording leadership rather than lordship to a group of fairly desperate individuals who were in danger of facing charges of treason should James recover full power. It is less easy to categorize Sir John Douglas, who had certainly benefited from Albany's patronage in the past and remained the duke's tenant in the barony of Morton in Dumfriesshire. He may indeed have hoped for assistance from the duke in obtaining other lands, but it is evident that hitherto Sir John had known no lord other than his own father.³⁵³ Liddell and Home are thus the only examples of long-standing parttakers to be found in the list.

The conclusions reached by the parliament of December 1482 appeared to represent something of a triumph for the duke, for the estates recommended that he be appointed the king's lieutenant-general. However, the king was in sufficient control of the situation by this time to ignore the proposal, and Albany retired to Dunbar at the end of the month with his hopes dashed.³⁵⁴

With evidence of some of Albany's writs available from this point it is possible to gain an impression of the effect of his efforts to secure allies; during the next two months all of those named in the March indenture except the bishop-elect of Moray were with the duke at Dunbar, where they congregated to devise means of gaining the upper hand over the king. So far as Albany's new-found and politically motivated allies are concerned, the earls

353. SR0, GD 150, nos. 154, 156; see above, pp. 166-7.

354. Macdougall, James III, 175-8.

of Angus and Buchan were witnesses of a charter given on 30 December 1482, and on 21 February 1482/3 the witnesses of another charter included Buchan, Lord Crichton and the master of Morton;³⁵⁵ in between times, on 12 January, the duke is found appointing his 'cousins and councillors' the earls of Angus and Lord Gray as two of three commissioners empowered to treat with the king of England.³⁵⁶

Dealing afresh with Edward IV was Albany's last resort; an earlier plot to seize the king once again - a scheme to which those present at Dunbar on 30 December were probably privy - had failed.³⁵⁷ Albany thus despatched his commissioners to Westminster, where on 11 February they concluded an agreement which once again committed the duke to aim at becoming Alexander IV - a plan with little prospect of success - in return for Edward's assistance.³⁵⁸

While waiting for English support to materialize Albany had little option but to accept the terms of a compromise offered by his brother. On 19 March 1482/3 the duke signed an indenture which, in return for a general remission for himself and his accomplices of all misdeeds, required him to abandon pretence to the office of lieutenant-general and to break his bonds with the nine named individuals, with any other Scots and with the king of England. He was also to 'renunse and put fra him' the bond-makers, 'and nocht hauld thame in daily houshauld in tyme to cum'. Of his newly acquired allies Angus, Buchan, Crichton and Gray were to renounce bonds made with the king of England; Angus, Buchan and John Douglas were to resign a variety of royal offices which they had accumulated; and Buchan and Crichton were to be banished for.

355. See Table IV below, p. 374.

356. CDS, iv, no. 1486.

357. Macdougall, James III, 178-9.

358. Ibid., 180; CDS, iv, no. 1489.

three years. Neither Albany nor his accomplices were to come within six miles of the king.³⁵⁹

Albany's use of bonds was not restricted simply to securing allies among the nobility and resurrecting ties with two old parttakers. The indenture of 19 March, in demanding that the duke discharge 'al uthirris Scottismen of al unlauchful bandis', shows that his bond-making went further, and, in hinting that the identities of some of Albany's accomplices were unknown to the king, suggests that written agreements extended to men of lesser rank than those named.³⁶⁰ There may have been some besides James Liddell and Alexander Home who were associates of the duke's before 1479, but it is doubtful whether this is the case with the one man who seems to be identifiable from another source as a bond-maker in 1482-3. On 27 February 1483/4 the wife of James Gifford of Sheriffhall, compearing before the brds auditors, entered the special plea that her husband could not answer in person to certain charges of spuilzie because he was not permitted to come within four miles of the king.³⁶¹ This plea is sufficiently unusual to suggest that Gifford was among those covered by the indenture of March 1482/3: although four miles was less than the stipulated distance, the master of Morton was allowed to go within six miles of the king in order to be with his father at Dalkeith;³⁶² the modern Sheriffhall is actually about five Scots miles from Edinburgh, but the boundary of the lands probably lay rather closer to the capital than did the chief messuage.³⁶³ Gifford was clearly

359. APS, Index and Supplement, 31-33.

360. Ibid., 32. Albany was to supply the chancellor with the names of those who took part with him and who were to take remission.

361. ADA, 136*.

362. APS, Index and Supplement, 32.

363. Sheriffhall is Nat. Grid ref. NT 320679.

the earl of Morton's man in the 1470s, and he had apparently cemented this association with a bond of manrent on 10 May 1482. His entering into an agreement with the duke of Albany may have been a matter of opportunism, and most likely occurred through the agency of either Lord Crichton or the master of Morton.³⁶⁴ It was, nevertheless, not an agreement that was hastily discarded after Albany's indenture with the king, for Gifford was eventually forfeited for his treasonable assistance to the duke.³⁶⁵

Though the identification of only one additional bond-maker may be possible, it is perhaps the case that there are men who entered into formal agreements with the duke among the other seemingly new associates of his. There is certainly evidence of men not encountered in Albany's company in the 1470s taking advantage of remissions and respites for assisting and being with Albany, although it is not clear that any of these persons took the remission offered by the king in the indenture of 19 March 1482/3 as opposed to being pardoned or protected from prosecution at a later date.³⁶⁶

One piece of information refers to the invasion of July-August 1482 and shows that at some point thereafter Philip Nisbet of that ilk, Patrick Sleigh of Cumledge, John Lumsden of Blanerne and David Galbraith of (or in) Kimmerghame

364. See above, pp. 154-5.

365. See below, p. 283.

366. Offences for which remission was required might have been committed in Albany's company as late as July 1484: see below, p. 289.

'tuke thame til ane generale respict of our
 soverane Lord for the being with umquhile
 Alexander Stewart sumtyme Duk of Albanie, in
 his treasonable dedis and distruccion the tyme
 that the sade Duke brocht in the Duke of
 Glossister and our soverane Lordis ald
 ennemyis of Ingland in ane gret nowmer
 the tyme of the hoist of Lawder in the yere
 of God, etc..lxxxij yeris, rydand with the
 sade Alexander to Blacater, Halidonehil,
 Dunglas, Edinburgh and Leith and agane cummand
 and convoyand the Duke of Glossyster to the
 toun of Berwic'. 367

It is not certain whether the whole of this itinerary is meant to apply to these four men - what is recited here may have been intended to define the terms of the general respite offered to anyone who rode with Albany and Gloucester at the time. What is clear is that these men were said to have been at Blackadder Castle at some point in the campaign and, in casting down the castle and generally wreaking havoc, to have caused damage amounting to 2,700 merks.³⁶⁸

It might well be doubted whether the reduction of Blackadder Castle and its garrison of twenty men³⁶⁹ was truly vital to the success of the invasion, and, given that Albany later expressed the hope that there would be reparation from the English government for the damage,³⁷⁰ it is quite possible that it was not originally

367. ADC, ii, 305. A continuation of the case in which this respite is cited sees Galbraith demoted to the status of 'in' Kimmerghame and particularizes Nisbet's property as West Nisbet: ibid., 389.

368. A respite could barely have been issued promptly enough to accommodate the Patrick Sleigh of Cumledge who was alive at the time of the invasion, for he died around the start of October 1482. It was probably this laird's like-named son who rode with Albany, although the younger Patrick Sleigh might have been pursued for the damage caused by his father: SR0, GD 267/27, bundle 76. A little further detail about the events at Blackadder is given in Acta Concilii (Stair), no. 218.

369. APS, ii, 140.

370. CDS, iv, no. 1489.

intended. Since Nisbet, Sleigh, Lumsden and Galbraith do not appear in connexion with Albany before or after this event, it may be that the duke had little control over them and that their action was merely an opportunistic settling of old scores. Nisbet and Sleigh were certainly Albany's tenants,³⁷¹ but Sleigh was also a tenant of the earl of Angus, who was the feudal lord of Lumsden and Galbraith as well.³⁷²

The respite under which these four men sought shelter should probably be distinguished from the pardon proclaimed by James IV on 29 August 1488, which was evidently intended to cover complicity in Albany's treason as well as more recent crimes. It is remarkable that one person known to have received letters of remission consequent upon this pardon, in particular for his part in Albany's treason, should have been Sir John Swinton of that ilk.³⁷³ Albany's rejection of Swinton's claim to the lands of Cranshaws in the mid-1470s can hardly have been conducive to good relations between the two men, and it seems that some amicable agreement had been arrived at since then.³⁷⁴

Remissions for treasonably being with and giving assistance to the duke came the way of others in later years: James Bisset in 1497, James Hogg in 1506 and Archibald Stewart in 1508 were all pardoned for this offence.³⁷⁵ Their remissions also refer to various other crimes, and it seems likely that all three were habitually lawless men, although Bisset may well have earned an

371. Nisbet and Cumledge were in the earldom of March: ER, v, 489; SRO, GD 267/27, bundle 76.

372. Kelley, 'The Douglas Earls of Angus', 209-10. Kimmerghame was in the earl's lordship of Bunkle, but Galbraith may have been the immediate vassal of either Marion or Margaret Sinclair, the spouses of the Homes of Wedderburn and Polwarth respectively: see above, p. 227.

373. SRO, GD 12, no. 62.

374. See above, pp. 253-6.

375. RSS, i, nos. 121, 1280, 1740. Six others who were similarly accommodated are identified in Pitcairn, Trials, i, *16, *17, *18, *40, *71.

honest living in the king's employ in 1480-1 as one of the men paid to reap and collect grain in parts of the earldom of March during Albany's absence.³⁷⁶ Inclination towards felony is recorded also of David Lindsay, whose nineteen-year respite, issued in 1500, covered misdeeds including 'his treasonable being with Alexander umquhile duke of Albany'.³⁷⁷

Only one of these men can be traced in Albany's writs: providing the identification is correct, David Lindsay was with the duke at Dunbar as a witness of a charter given on 21 February 1482/3.³⁷⁸ This may have implications for others present on the same occasion, for it invites the suspicion that anyone who was at Dunbar with the duke around this time, and not just the known bond-makers, was in some degree party to his treasonable activities. It seems not improbable that the witnesses John Montgomery of Thornton, Robert Ross, Peter Murray and William Lindsay required remission or respite for their complicity at some later date.³⁷⁹ The names of none of these men is encountered in any earlier writ of the duke's - although Montgomery served on the suspect jury of inquest upon the lands of Cranshaws some seven years earlier³⁸⁰ - and it is conceivable that all were newly recruited to his affinity, perhaps through the use of bonds.

376. ER, ix, 434.

377. RSS, i, no. 571.

378. See Table IV below, p. 374.

379. If they were not the habitual criminals that Bisset, Hogg, Stewart and Lindsay seem to have been, it is likely that their remissions or respites would have been issued before 1488, before which date the Register of the Privy Seal, wherein they might be recorded, is not extant. Peter Murray is probably more correctly identified as an associate of the earl of Buchan: SRO, GD 158, no. 73.

380. ADA, 51; SRO, GD 12, no. 51.

Less guesswork is required in the case of Albany's nephew, James, Lord Boyd, another witness of the charter of 21 February. Boyd, in spite of his title, was no useful ally to Albany for he was a youth of no more than fourteen who had been illegally restored to his father's forfeited lands, probably at Albany's prompting, at a time when the king was still manipulable. He is to be seen rather as the duke's charge, with the permanence of his restoration depending upon Albany's fortunes.³⁸¹

If it achieved little else, the indenture of 19 March 1482/3 did at least have the effect - highly advantageous to King James - of breaking up the coterie of dangerous men who had gathered around the duke of Albany at Dunbar. The witness-list of Albany's next known charter has only one name in common with that of its predecessor and it seems probable that almost all of those covered by the indenture complied with its terms.³⁸² Bereft of his most important supporters in Scotland, Albany then lost the prospect of large-scale English assistance when Edward IV died on 9 April.³⁸³ His arranging for the admittance of an English garrison into Dunbar Castle after negotiations with the herald Bluemantle was no more than a Parthian shot; this last treason prompted the issue of letters of summons upon him on 15 May,³⁸⁴ and the duke - who was still at Dunbar on 2 May - may have

381. Macdougall, James III, 171-2.

382. See Table IV below, p. 374.

383. Macdougall, James III, 188.

384. APS, ii, 151. The duke was not specifically accused of handing over Dunbar Castle to the English - the only persons apparently held responsible for this particular treason were David Purves and James Gifford of Sheriffhall: ibid., 162, 173.

awaited their execution before fleeing to England.³⁸⁵

Of Albany's apparently new-found supporters thus far indicated only Lord Crichton and James Gifford of Sheriffhall are known to have rendered the duke any further assistance after the indenture was signed. Crichton, who was a party to the reception of Bluemantle, maintained contact with Albany after the latter's forfeiture on 8 July 1483 by sending to him in England a chaplain, sir Thomas Dickson, carrying letters.³⁸⁶ He also fortified Crichton Castle - though probably in his own interests rather than Albany's - against assault by royal forces before fleeing northwards late in 1483, hotly pursued by the king's macer, William Cumming, bearing letters of summons upon him.³⁸⁷ Gifford evidently remained with Albany to the last, taking part in the reception of Bluemantle and the English garrison and then fleeing to England with the duke.³⁸⁸ Both Crichton and Gifford were forfeited for their trouble.³⁸⁹

This is not to say that others for whom there is no evidence of a lengthy connexion with Albany are not to be found accompanying or serving him after the March indenture: there remain various

385. RMS, ii, no. 1745. Albany was not available for personal summons when Rothesay Herald arrived at Dunbar with the king's writ on 17 May 1483: APS, ii, 151. The duke did, nevertheless remain long enough to raise his Whitsuntide rents; Simon Salmon did not account for these at the exchequer audit of 1486: ER, ix, 427; Nicholson, The Later Middle Ages, 513.

386. APS, ii, 151-2, 159, 160.

387. Ibid., 159.

388. Ibid., 173.

389. Ibid., 161, 174.

figures whose association with the duke at this late stage is hard to fathom. There are William Fettes, whose name appears in the witness-list of the duke's charter of 2 May 1483,³⁹⁰ and the stewards, Henry Haitlie of Mellerstain - a tenant in the earldom of March - and John Home, whom Albany nominated to give sasine thereupon.³⁹¹ Yet more curious is David Purves - possibly the same man who became Albany's sub-tenant in Purvishaugh in 1467³⁹² - who probably fled to England with the duke before being forfeited for treasonably assisting in fortifying and handing over to the English the castle of Dunbar.³⁹³ Nevertheless, it does seem that by this stage Albany had been forced into heavier reliance upon certain members of his pre-1479 affinity.

The bond which Albany made with Sir James Liddell of Halkerston has already been mentioned as one of those cited in the indenture of 19 March 1482/3.³⁹⁴ This may have been the earliest of those made by the duke, for it seems probable that he had been re-acquainted with the former master of his household around the start of September 1482. At that time Albany is said to have been with the queen and displaced members of James III's government at Stirling,³⁹⁵ where that year's interrupted exchequer audit was reconvened.³⁹⁶ Liddell was certainly present, for he rendered his account as ranger of Yarrow on 2 September.³⁹⁷ Not long

390. See Table IV below, p. 374.

391. NRA, Survey no. 1351; HMC Rep. Milne Home, 24, no. 18. It is unlikely that this John Home would be the brother of Alexander Home of that ilk: see below, pp. 287-8.

392. SR0, GD 266/121, bundle 1. Purves's principal property was probably at Smailholm in Roxburghshire, for the summons upon him was served there: APS, ii, 162.

393. Ibid., 162-3.

394. APS, Index and Supplement, 32.

395. Macdougall, James III, 170; Nicholson, The Later Middle Ages, 507.

396. The audit was being held at Edinburgh until 20 June and was recommenced at Stirling on 29 August: ER, ix, 171, 180.

397. Ibid., 187.

afterwards Liddell was on his way to England, sent by Albany on a mission which, though its details are unknown, seems to reflect an insecurity on the duke's part that led him to try and keep alive the possibility of renewed English support.³⁹⁸ Liddell had returned by 30 December, when he was with the duke at Dunbar,³⁹⁹ but he was soon back in England, having been commissioned, along with the earl of Angus and Lord Gray, to treat with Edward IV on Albany's behalf.⁴⁰⁰ The letters appointing the three men, which show that Liddell was classed as one of the duke's councillors, were dated 12 January, and on 11 February following these commissioners duly completed an agreement with their English counterparts.⁴⁰¹ Liddell's movements after these negotiations are somewhat obscure. He did not witness either of Albany's last known charters, probably being still in England at the time of the first and making a show of compliance with the terms of the indenture of 19 March at the time of the second by keeping out of 'daily houshould' with the duke.⁴⁰² If he did stay away from Dunbar for a time this was the full extent of his practical acceptance of the indenture's terms, for he made no effective severance of his ties with either Albany or the king of England: he was party to the reception of Bluemantle, for which treason and for negotiating with the English and passing into England with the duke without royal licence he was forfeited.⁴⁰³ Around two years later, in circumstances which are not revealed, he was arrested,

398. CDS, iv, no. 1478.

399. See Table IV below, p.374.

400. CDS, iv, no. 1486. It is uncertain whether Liddell was meant to be included under the description 'our kinsmen' which the duke applied to his commissioners.

401. Ibid., no. 1489.

402. APS, Index and Supplement, 32. Along with Buchan and Crichton, Liddell was also to be banished from Scotland and England for three years.

403. APS, ii, 152.

being described by the notary James Young as 'bound and condemned to death' on 7 September 1485.⁴⁰⁴ The sentence was evidently carried out, making Liddell the only one of Albany's adherents whose forfeiture is known to have extended in practice to life as well as lands and goods.⁴⁰⁵

Liddell's son John, who appears as a witness of two of Albany's writs before 1479, came more to the fore as an associate of the duke's in 1482-3. He witnessed Albany's charters given at Dunbar on 21 February 1482/3 and 2 May 1483⁴⁰⁶ and was an accomplice in sending his father to negotiate with the English, receiving Bluemantle and effecting the duke's passage to England.⁴⁰⁷ It is possible that these crimes would have been overlooked had he not remained in Scotland to fortify Halkerston Castle and defend it against the king's majesty. It seems to have been this which made inevitable the issue of letters of summons upon him on 19 November 1483 and he was forfeited in his absence on 24 February following.⁴⁰⁸ Unlike his father he evaded capture long enough for the taint of treason to fade, and he was rehabilitated in 1490.⁴⁰⁹

The other old associates with whom Albany is known to have re-established contact in 1482-3 seem to have avoided being charged with complicity in his treasonable activities. William Ker, the duke's squire, received twenty poundlands of the duke's property in Mersington in blench ferm by the charter of 21 February 1482-3 -

404. Prot. Bk. Young, nos. 14-15.

405. He was dead by 12 July 1486: ER, ix, 417.

406. See Table IV below, p. 374. On the latter occasion he is found bearing his father's style 'of Halkerston': RMS, ii, no. 1745.

407. APS, ii, 161.

408. Ibid., 162. According to Adam Abell in The Roit and Quheill of Tyme (printed in Macdougall, James III, 314), John Liddell rendered Albany a further service, by helping him evade the wrath of Richard III who held the duke responsible for the shedding of English blood at the battle of Lochmaben (see below, p. 289).

409. RMS, ii, no. 1950.

an untypical gift by Albany's standards - and later had this infestment confirmed by the king.⁴¹⁰ However, it is doubtful whether he or two further witnesses of Albany's charter of 2 May 1483 can have been totally ignorant of his treasons. If Albany's egregious behaviour had not alienated David Renton of Billie and Master George Liddell, parson of Forest, by May 1483, it might at least be supposed that their loyalty to the duke ran fairly deep.⁴¹¹ Renton in particular had already demonstrated his willingness to engage in violence in the duke's company, for he had ridden with Albany to Waughton in East Lothian on 2 January 1482/3 - an expedition which has a certain context and resulted in the seizure of David Hepburn's castle and the spuilzie of various grains and beasts from his lands.⁴¹²

The grantee of this charter was Patrick Home of Polwarth, one of those charged with complicity in Albany's alleged treason in 1479. He is here described as the duke's squire, receiving 'for his faithful service' the lands of Birghamshiels in Berwickshire. Lasting loyalty might also be attributed to Home, although the nature of his 'faithful service' goes unrecorded, and this gift of part of the property of the earldom of March may have represented an attempt by the duke to re-establish at the eleventh hour the support of the laird of Polwarth.⁴¹³

At an earlier stage Albany had been able to rely upon the support of Alexander Home of that ilk. Home's renewed connexion

410. Ibid., no. 1573; ER, ix, 520.

411. See Table IV below, p. 374. Liddell may have been with the duke in Edinburgh at the time of the meeting of the estates in December 1482: RMS, ii, no. 1618; APS, ii, 142.

412. ADC, 354. One Patrick Mathieson may also have been involved, although he protested his innocence. He was possibly constable of the earl of Angus's castle of Tantallon at the time: RMS, ii, no. 2654. Macdougall, James III, 178, supplies

413. Ibid., no. 1745.

[the raid's context.]

with Albany was marked not only with the bond to which the duke's indenture with James III referred but also with gifts of twenty husbandlands in Leitholm - hitherto part of the property of the earldom of March - and of ten poundlands of Upsettlington.⁴¹⁴ This resumption by Albany of his practice of cultivating Home's support with gifts turned out to be unavailing.⁴¹⁵ The plot to seize James III - devised around the time of the issue of this charter - placed too much strain upon Home's loyalty, for he revealed the conspirators' plan to the king at the earliest opportunity. Amicable relations between Albany and Home then came to an end, with the latter's loyalty to his sovereign lord resulting in his arrest by the duke and his imprisonment in Dunbar Castle.⁴¹⁶

As to other members of Albany's old affinity there is definite information regarding only one: George Cunningham of Belton, who died in or around August 1482 without a male heir.⁴¹⁷ Whether or not his death resulted from anything so dramatic as wounds received fighting in Albany's cause, it does at least show that the duke was denied Cunningham's services. Less definite information is available for Robert Lauder of the Bass, who may have ridden with Albany and David Renton of Billie to Waughton in January 1482/3 and been responsible in particular for casting down David Hepburn's mill.⁴¹⁸

414. HMC Rep. xii, App. part viii, 155, no. 236; ER, x, 128.

415. See above, p.247.

416. N. Macdougall, 'The Struggle for the Priory of Coldingham, 1472-1488', The Innes Review, xxiii (1972), 105-7; APS, Index and Supplement, 32.

417. Yester Writs, no. 212.

418. ADC, 354.

One further episode in Albany's career merits some mention. Fourteen months after his expulsion the duke, in company with the exiled ninth and last earl of Douglas, James Gifford of Sheriffhall and a body of Englishmen made an incursion into Dumfriesshire. On 22 July 1484 they were encountered at Lochmaben by forces led by a group of local lairds and in the ensuing struggle the invaders were worsted, the earl of Douglas was captured and Albany was obliged to take flight for the third time in his life.⁴¹⁹ The objective of this invasion is not clear, but if Albany believed that in the stewartry of Annandale there existed a fund of goodwill towards him that could yet be turned to his advantage he was disappointed. Only one of his former tenants - George Corrie of that ilk - is known to have given him support,⁴²⁰ and at least one man to whom the duke had in the past entrusted the office of bailie - William Douglas of Drumlanrig - seems to have fought against the duke.⁴²¹ Albany thus proved still less able to recreate lordship in Annandale than he had in the earldom of March, and though it remains doubtful whether the duke had ever had great influence in Dumfriesshire, it is clear enough that by 1484 he had at least become something of an irrelevance there - and worse if it can be believed that he had burnt Dumfries in 1482.⁴²² As the gifts which James III bestowed upon Thomas Carruthers, Herbert Johnstone, Robert Crichton

419. Macdougall, James III, 211-12; Nicholson, The Later Middle Ages, 516-17. Adam Abell's account of yet another return to Scotland by Albany, followed by a fourth flight is properly dismissed on account of its inherent improbability and the author's awry chronology: Macdougall, James III, 281, 314-15. The story would merit no further remark were it not for the fact that Abell has Albany killing the laird of Mannerston in making his escape from imprisonment in Edinburgh Castle. If Albany ever killed such a person, he must have done so in 1485; the only remotely appropriate death of a laird of Mannerston occurred 18 Apr. x 14 Oct. of that year: ADC, 117*; Prot. Bk. Young, no. 19; see above, p. 162.

420. RMS, ii, no. 1590.

421. SP, vii, 116.

422. CDS, iv, App., no. 31.

of Sanquhar and his son Edward and Alexander Kirkpatrick show, there was more to be gained by backing the king than by backing the forfeited duke; with the forfeited estates of Albany and his diehard adherents in his hands the king could afford to be a more generous patron than the duke had ever been.⁴²³

Albany's choice of the West March as the area to invade, even bearing in mind that his ally the earl of Douglas may have felt that his own name still meant something in south-west Scotland, seems a little odd. The south-east, where Albany's support had been concentrated and where an English garrison still occupied Dunbar Castle,⁴²⁴ would seem to have offered a greater chance of success. However, it may be that the duke had come to the conclusion that the prospects of reassembling his affinity there were slight, and there is little in the events of 1482-3 to suggest that he would have been wrong.

In late-medieval England it was not unknown for the return of exiled and dispossessed magnates to be attended with startling success, but Albany, though saddled with a claim to the throne which was not especially ridiculous by English standards, proved to be no Henry Bolingbroke or Tudor. In seeking an explanation for Albany's failure there seems to be sufficient reason for believing that there was not a wholehearted response to the duke's return on the part of his old associates. Albany is known to have succeeded in re-establishing contact with a proportion of those who had attended or served him in the 1470s, but to set against this is the fact that only two of these old parttakers were involved in his treasons. Besides, of those alleged to have been his accomplices in 1479 only one - Patrick Home of Polwarth - appears to have been in his company in 1482-3. If they were violators

423. RMS, ii, nos. 1590, 1594, 1597, 1603, 1714.

424. The castle was not recaptured until 1485 or 1486: Macdougall, James III, 217.

of the truce in the late 1470s the alleged accomplices might be considered well-used to acts of violence, and yet none is known to have taken part in the attacks upon the houses of Blackadder and Waughton, none was forfeited and none appears to have taken respite or remission for being with Albany in 1482-3. Behind their seeming lack of interest in Albany's cause there are perhaps two factors. In the first place the very efficiency with which they were identified and charged in 1479 probably inspired some doubt as to the wisdom of riding with the duke once again; they had escaped trial once, but might not be so fortunate a second time. Secondly, the nature of Albany's return cut away what had probably been a major attraction of associating with the duke hitherto: having returned to Scotland with Edward IV's support Albany's attitude towards the idea of peace with England was hardly going to be the same as it had been in the 1470s; the prospect of booty from border raiding might thus have seemed diminished, no matter whether the duke became king, lieutenant-general or merely once again march warden.⁴²⁵

This muted response to Albany's return probably had a good deal to do with the duke's efforts to ensure that he had supporters in 1482-3 - efforts which were not restricted to establishing political alliances but extended to the securing of lesser men as parttakers. In the 1470s neither gifts nor bonds had been a feature of Albany's dealings with his men, but in 1482-3 he used both - the former being perhaps facilitated by his acquisition of the earldom of Mar and thereby sufficient surplus wealth. In

425. James III remained committed to his goal of peace with England, and one of the terms of the indenture of March 1482/3 was that Albany, confirmed as march warden, should play his part in furthering this policy: Macdougall, James III, 186.

part his attentions were directed towards old associates - there were bonds made with Alexander Home of that ilk and James Liddell of Halkerston and gifts of land for the same Alexander Home and for Patrick Home of Polwarth - but the principal product of his efforts seems to have been to attract various new parttakers into his orbit. The respites and remissions, the forfeitures and the witness list of his charter of 21 February 1482/3 make this clear, even though evidence of the creation of formal ties is wanting except for the gift to William Ker and the deduced bond with James Gifford of Sheriffhall. Formal ties may in fact not have existed in every case, but there were bonds other than those specified in the indenture of March 1482/3 and there were seemingly new parttakers.

Since some of these new parttakers were evidently lawless men, it seems quite possible that the duke was seeking to make up specifically for the absence of those who rode and violated the truce in his company in the 1470s. Whatever the case it can at least be said that Albany perceived a need for an affinity - that is he required to make his own contribution to his own cause and could not rely solely upon political allies. However, the duke's efforts were either too little or too late to create an affinity capable of enforcing his political will. His chief opportunity of success was in the period immediately after his return, but his impotence at this time is amply expressed by his inaction for most of August and September 1482 and by his need to send Sir James Liddell to England before Michaelmas to negotiate, it may be presumed, for further support. Having gained and then lost his allies he was left in May 1483 no more able to defy the king

than he had been in 1479 - indeed, it may be said that he was worse off; it was not with his own men but with an imported English garrison that Dunbar Castle was defended against the royal forces, and there was to be no repeat of the macer's journey through Berwickshire calling upon the duke's men to answer charges of treason.⁴²⁶ Parliament believed on 24 February 1483/4 that there were accomplices of the duke's yet to be identified,⁴²⁷ but the estates were probably unduly pessimistic about the number of traitors to be found; by that date they had forfeited four of Albany's accomplices and they are known similarly to have sentenced only two more thereafter.

James III's easy success over Albany is partly a matter of personality - the contrast between the king's adroitness and his brother's lack of the same quality is patent enough. Nevertheless, it is difficult to believe that Albany should have lost by incompetence alone the advantage which English assistance, King James's growing unpopularity, alliance with the Lauder Brig conspirators and the goodwill exhibited by the parliament of December 1482 ought to have given him. The strength of the Stewart monarchy has gained recognition,⁴²⁸ but it may be worth considering how much this strength owed to the narrow base of the magnatial affinity and its brittleness when thrust into a contest with the crown.

426. It is also obvious that the witness-list of the duke's last charter before his flight has an emaciated appearance compared with that of the charter issued in similar circumstances in April 1479: see Table IV below, p. 374.

427. APS, ii, 165.

428. Wormald, Court, Kirk, and Community, 12.

CHAPTER SIX

ESTATES AND INCOME

That scant attention has been paid to magnatial finances in the later Middle Ages ought not to be a cause of surprise;¹ the evidence which might permit greater notice of this matter - important though it may be for understanding the actions and attitudes of members of the higher nobility at this time - appears barely to exist. Records produced by secular lords and dealing with their own incomes have not enjoyed a high rate of survival - there may exist no more than three incomplete rentals of magnatial estates from the thirteenth and fourteenth centuries, and two of these concern the same inheritance.² Evidence of outgoings has fared worse still, and certainly nothing has survived resembling the household accounts which have furnished historians of the English nobility with quantities of valuable information.³

Nonetheless, this state of affairs does not mean that some aspects of magnatial finances cannot be illuminated using records other than those produced by the magnates themselves. In particular the records dealing with royal finances can be employed to some effect where magnatial income is concerned and may even have some limited bearing upon magnatial expenditure.

If it can be assumed that a magnate of the fifteenth century was not an entrepreneur on any significant scale, if at all, and

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1. Grant, Independence and Nationhood, 65-68, 77-79, 130-3, and Grant, 'The Higher Scottish Nobility', 29-32, 173, 232-81 represent the only significant attempt to deal with the subject.
 2. ER, iii, pp. xliv, 33-38 (Strathearn, A.D. 1380); Mort. Req., i, pp. xlvii-lxxvi (Dalkeith with Liddesdale and other lands, 1376); SRO, GD 150, no. 100a (Dalkeith, 1419 x 1440).
 3. As used, for example, in R.G.K.A. Mertes, 'The Secular Noble Household in Medieval England, 1350-1550', (Edinburgh University, Ph.D. thesis, 1981).

thus created little or none of his own wealth, it can be said that he might draw his income from only two sources. These were the crown, which from its own resources could offer fees, chiefly as remuneration for office-bearing, and the magnate's own inheritance, which in various forms provided him with the bulk of his revenue. It might even be said that there is less than complete justification for distinguishing these two sources since the greater part of any peer's inheritance would invariably be held in chief of the crown. At any rate, both of these sources of a lord's income were, in different ways, the concern of the crown, and accordingly both receive attention in governmental records.

Fees paid to office-bearers were a straightforward matter of royal expenditure and evidence of their payment is frequently to be found in the discharge side of accounts rendered by royal agents at exchequer audits. Magnatial estates, on the other hand, could be a source of royal income and became the concern of the crown in the event of escheat and forfeiture or when the terms of feudal tenure came into operation. The Exchequer Rolls are particularly helpful where estates which had fallen to the crown by escheat or forfeiture are concerned. The issues of such properties, providing the estates were not swiftly conferred upon any other person, pertained to the crown and required to be accounted for. The accounts of bailies appointed to raise the issues of estates which fell to the crown in this way have regularly survived and can be employed to give an indication of the landed resources of their former owners, and, indeed, of any person to whom the properties were subsequently granted. Thus, accounts from the 1450s and

1460s rendered by bailies of the earldom of March and the lordship of Annandale shed light upon the resources both of the Dunbars, earls of March, erstwhile proprietors of these fiefs, and of Alexander, duke of Albany, upon whom these fiefs were bestowed. Albany's tenure of these properties is, in fact, more than usually favoured by this sort of documentation; the duke's forfeiture in 1483 left these estates once more in the hands of the crown, and royal accounts recommence thereafter.

Obviously the number of estates covered by accounts of this sort is limited by the number of escheats and forfeitures which occurred, and, since neither a lack of male heirs nor lasting forfeiture were common among the higher nobility,⁴ the information provided by such records is far from comprehensive. The king was more frequently interested in the value of his tenants' properties by dint of his right to casualty, for death and inheritance – the matters with which casualty was chiefly concerned – had eventually to apply to all. In the event of non-entry – that is to say when a lawful heir had not taken sasine of his inheritance – a fief and its issues pertained to the lord superior. This casualty, known in certain circumstances as ward, applied in practice, if not in theory, to all fiefs, irrespective of whether they were specifically held by ward and relief or in blench ferm.⁵ The only difference lay in terminology; any fief pertained to the superior if for any reason sasine had not been taken, whilst only a fief held by ward could be in ward, and this only if the heir was not of lawful age. For both ward and blench ferm tenancies liability

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4. A. Grant, 'Extinction of Direct Male Lines among Scottish Noble Families in the Fourteenth and Fifteenth Centuries' in Essays on the Nobility of Medieval Scotland, ed. K.J. Stringer (Edinburgh, 1985), 210–21. Wormald, Court, Kirk and Community, 28–29.
 5. Grant, 'The Higher Scottish Nobility', 192; C. Madden, 'Royal Treatment of Feudal Casualty in Late Medieval Scotland', SHR, lv (1976), 181–2.

for this casualty could be avoided only if sasine was taken before the term day next after the decease of the last lawful possessor, and since this gave six months at most for all the stages of conveyance to be completed in favour of an heir, even if he were already of lawful age, it follows that over the course of three or four generations there would be few properties which were not in non-entry for at least a short period. In addition the superior was entitled to relief - a sum equivalent to the yearly value of a fief - upon the entry of an heir to his inheritance. This casualty applied in practice only to properties held by ward and relief, for the blench ferm tenancy required merely a double payment of its token reddendo upon entry.⁶

The responsibility for raising the king's casualty was sometimes entrusted, probably for convenience's sake, to agents who were principally engaged in collecting the issues of the king's own property. Thus, for example, was the king's chamberlain north of Spey charged with the fermes of Strathnairn while that lordship of the earls of Crawford was in ward for around six years after 1454.⁷ However, it was the sheriffs who were the royal officers normally, or at least in the first instance,⁸ charged with raising casualty, and there is no escaping the fact that, with very few exceptions, the rolls bearing the sheriffs' accounts from the fifteenth and sixteenth centuries no longer exist.⁹ It is,

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6. Rodger, Feudal Forms, 30. The casualty of marriage, which may not have applied to all ward holdings and which was to some extent avoidable, seems to have been less closely related to the fief's value than the casualties of ward and relief: ibid., 30-31.
7. ER, vi, 214, 374, 462, 513, 648; vii, 17, 122, 235, 416.
8. The sheriffs' role in the collection had, in fact, become nominal: Madden, 'Feudal Casualty', 173-4.
9. A.L. Murray, 'The pre-Union Records of the Scottish Exchequer', Journal of the Society of Archivists, ii (1961), sec. iii.

besides, unfortunate that the records which might have helped to make good this loss have suffered a similar fate. The accounts of the treasurer, the officer responsible for receiving the casualty charged to the sheriffs, survive continuously only from the reign of James IV.¹⁰ The response books, in which was recorded the casualty for which the sheriffs were to answer following the sasine of tenants-in-chief, survive only as an index before 1513. Inquests upon the service of heirs were required to declare the value of heritable property, but the registers of their findings commence only in the mid-sixteenth century,¹¹ and the retours produced by such inquests survive in numbers too small to make up for the absence of the registers prior to this period.

Notwithstanding the less than comprehensive nature of contemporary evidence for the value of magnatial properties in the fifteenth century, it is possible to over-stress this note of pessimism. It remains true that any government record of any date pertaining to the estates of tenants-in-chief of the crown provides at least a starting-point for investigation, and may in fact be a good deal more useful than this owing to the striking similarity between, say, old extents quoted in the Retours of the early seventeenth century and certain actual extents of the fifteenth century. Caution is undoubtedly required, and particular trepidation is inspired by Thomas Thomson's work upon the true meaning of 'extent',¹² but this does not preclude consideration

10. Ibid., sec.ii. The sums received by the Treasurer were, in any case, mostly compositions for less than the actual extent of the casualty: Madden, 'Feudal Casualty', 173-4.

11. Donaldson, Sources of Scottish History, 13.

12. T. Thomson, Memorial on Old Extent, ed. J.D. Mackie (Stair Society, 1946).

of the use to which evidence such as that found in the Responde Book of 1517 dealing with the casualty owing from the inheritance of the eighth earl of Crawford may be put.¹³

The income provided by the feudal inheritance may be divided initially between that stemming from the judicial power vested in the holders of baronies and regalities and that obtained by exploiting the physical estate. Dealing first with the latter, it is convenient to make a threefold division, on the basis of their tenurial status, of the lands and other sources of profit of which an estate consisted. All parts of an estate can be categorized, using terms current in fifteenth-century Scotland, as mains or property or tenandry - terms which signify respectively the land exploited personally by the lord for his own use, the land set on one-year leases or short-term tacks to tenants paying rent, mail or ferm, and the land held honourably and heritably of the lord as superior, in perpetuity or on long-term tacks, by ward, in feu-ferm, or in blench-ferm. Land was not fixed irrevocably in any one of these categories, but it may be said that by the later fifteenth century a large amount of stability prevailed - at least in the ratio between each category. Most magnatial inheritances are likely to have consisted of little or no mains land, with the bulk of the remainder in tenandry.

The original concept of mains was of land whose cultivation was undertaken on the lord's behalf by tenants who were obliged by the terms of their tenancy to devote to this task a given

13. ER, xiv, 598-600.

number of days each year. It seems realistic to suppose that commuting labour services of this sort into rent - a practice made more necessary, if not actually initiated by the trend towards the leasing of demesne observed as following the Black Death - was as much a feature of rural life in Scotland as in England, where such services may have been nearly obsolete by 1500.¹⁴ This is not something which can readily be proved, although at least one concrete instance of commutation can be observed by comparing the Dalkeith rentals of 1376 and 1419 x 1440. The one remaining barony in which labour services were stipulated alongside the mail in 1376 was Kilbucho, where twenty-eight days' work was required of the occupants of seven cotlands - though precisely where this work was to be carried out is not clear, since the mains of Kilbucho was evidently set to ferm. By the time of the second rental these services had been waived and may have been replaced by a modest increase in rent.¹⁵ This perhaps indicates the period at which labour services became extinct - not only on the Dalkeith lands but on many another estate as well. It does not, however, indicate that mains land had no subsequent existence. It is perfectly true that the words maynis or terre dominicales in a fifteenth-century writ generally have no meaning of their own, merely commemorating a bygone use of lands which had, perhaps long ago been alienated or set for rent. Even so, it is clear enough that some mains land remained, but with the difference that its cultivation had to be paid for.

Commuting labour services and setting mains land for rent had the obvious merit of increasing cash revenue. However, the retention

14. F.R.H. Du Boulay, An Age of Ambition (London, 1970), 33-35, 54-55, 59-60. G.A. Holmes, The Estates of the Higher Nobility in Fourteenth-Century England (Cambridge, 1957), 90-92, 114-17, 119-20; Grant, 'The Higher Scottish Nobility', 252.

15. See Table VII below, p.382.

of some land as mains, even after labour services had been abandoned, need not be unattractive and could in fact be highly advantageous when there was a significant gulf between the price of victual and the cost of its production. An example of what could be achieved is to be found in the account of the receiver of the earldom of March, rendered at the exchequer audit of 1486. This account, though intended chiefly to cover the three years since the forfeiture of the duke of Albany, makes incidental reference to 1480 and 1481, when parts of the March barony of Dunbar appear to have been in use as mains and when the duke, though in exile, was still the lawful possessor of the earldom. The grain-growing potential of the East and West Barns of Dunbar, also known respectively as the mains of Newton and the west mains of Dunbar, had not gone unnoticed before the 1480s, for, although set for a cash farm in the early 1450s,¹⁶ from 1455 until 1467 the lands were set for a grain rent.¹⁷ How they were employed during the duke of Albany's tenure of the earldom is not known, but it is not improbable that the duke elected to take these lands and others in the barony of Dunbar into his own hands and raise the grains himself. It is clear that what were specifically termed the crops rather than the rents of East and West Barns and Pinkerton for 1480 and 1481 had to be won and collected by four hired men who together were paid £139 15s 9d for their efforts in these two years.¹⁸ This was not an inconsiderable sum, but it

16. ER, v, 487, 579, 642; vi, 54.

17. Ibid., 430, 536, 623; vii, 97, 177, 315, 398, 492.

18. ER, ix, 430-1, 434. That these were not rents is made more certain by the inclusion of oats, which had formed no part of the rent, and by a reference to the exclusion of seed grain from the charge. East Barns seems to have been in use as mains in 1464-5; no rent was charged because the land was occupied with the king's gear: ER, vii, 315.

was comfortably exceeded by the value of the crop of 1480 alone, which was sold for £575 16s 5d.¹⁹ The quantity of grain required to fetch this sum is not stated, nor conversely, is the value of the precisely quantified and apparently poor crop of 1481.²⁰ However, if the wages of the four labourers are divided evenly between the two years it can be suggested that a profit in excess of £500 was made in 1480.

With an excess of variable quantities in the equation it is practically impossible to judge whether such a return was at all typical. Grain prices could vary considerably and there is no reason to believe that they would always change in such a way as to ensure that harvests in the environs of Dunbar, whether good or bad, maintained a roughly constant value. Labourers' wages too might well be assumed to have been subject to significant fluctuations. James III's experiments with the coinage undoubtedly had some effect on both wages and prices - the latter to a remarkable degree if the claims made in one contemporary account can be believed.²¹ All that can truly be said is that in 1480 at least the use of these lands as mains yielded rather greater revenue than would have resulted from setting them for rent. The money rent of the Barns of Dunbar and Pinkerton in 1483, just as it had been in 1453, was assessed at £130 in total.²² The victual rent of Pinkerton is not known, but East and West Barns could be set for a total of eighteen chalders of wheat and eighteen

19. ER, ix, 430-1.

20. Ibid., 431.

21. Macdougall, James III, 312.

22. ER, v, 579, 642; ix, 429. This total includes the rents of the two Pinkertons, Meikle and Little. It is not clear whether both were in use as granges.

chalders of bere,²³ which, judging from prices given in the Exchequer Rolls for these grains sold in 1480, may have been worth around half the value of what was actually raised there.²⁴

How isolated this instance of successful mains exploitation may have been is impossible to say. Royal agents certainly set these lands to three-year tacks once Albany had been forfeited and the siege of Dunbar Castle with its attendant laying waste of nearby lands had ended.²⁵ It is possible that advantage had been taken of briefly prevailing economic conditions coupled with the unusually large potential of the barony of Dunbar for growing wheat – the most valuable crop, in its raw state normally exceeding the price of bere and oats even after these grains had been processed into meal and malt.²⁶ So far as an earlier time and a different estate are concerned, the Dalkeith rentals have little to impart anent mains land; they simply indicate where such land was, although in doing so suggest that, in those parts of the estate which are covered, the amount of land held as mains was slight and the particular pieces of

23. ER, vi, 430; vii, 492.

24. The total value of the crop of 1480 from the barns of Dunbar was £357 16s 5d. This compares with a value in the range £144–245 for 18 chalders of wheat @ 5s 10d – 9s the boll and 18 chalders of bere @ 4s 2d – 8s the boll, these prices being obtained elsewhere in the country for grains of the harvest of 1479; ER, ix, 4, 16, 17, 49. A value in the range £216–374 for the same amount of victual sold after the harvest of 1480 is suggested by prices of between 8s and 16s for the boll of wheat and between 7s and 10s for the boll of bere. For prices of this sort to have applied to the grains of Dunbar in 1480 the harvest would have to have been almost as bad as that of 1481: ibid., 95, 100, 104, 142, 431.

25. Ibid., 432, 518.

26. Grant, Independence and Nationhood, 238–9.

land thus held could vary. In 1376 Wodfelde in Fife and Whiteside in the barony of Newlands were 'in the lord's hands'. The later rental shows that these lands were subsequently set to farm and in their place as mains were, in the barony of Aberdour, Eglismartin and Aberdour Mains, of which the latter at least had yielded rent at an earlier time. Three baronies and two other land units contained lands which by name were 'mains', but only in Aberdour did this appellation have anything other than commemorative significance. Any other lands once used as mains must, by deduction, have either ceased to be distinguished by name or been alienated.²⁷

The leasing of demesne in England, which got under way on a large scale in the late fourteenth century and was near-complete by the middle of the fifteenth century, is seen as a response to falling victual prices and uncontrollably rising wages. These in turn were consequences of the appearance in the late 1340s of the plague and its subsequent repeated outbreaks which, through the simple process of massively reducing the population, effected a massive reduction in demand and in the supply of labour.²⁸ There can be little doubt that, although grain prices were evidently not in decline, Scotland was in some degree similarly affected, and immune besides neither to epidemics of other illnesses nor famine.²⁹ With this in mind it seems reasonable to suppose that landlords in fifteenth-century Scotland were not in the habit of retaining very much of their estates as mains. Successes like that achieved in the barony of Dunbar could, in all probability, not be relied upon. This is, of course, largely conjectural, and must remain

27. See Table VII below, pp. 381-4. Eglismartin is now represented by Inchmartin.

28. Du Boulay, Age of Ambition, 34, 54; Holmes, Estates of the Higher Nobility, 90-92, 115-16.

29. Grant, Independence and Nationhood, 73-75, 78.

so in the absence of adequate documentation of the subject. There is, however, some corroboration to be found by examining rents in the fifteenth century, the level of which seems at the very least to deny the possibility of any speedy recovery in the level of population.

That element of an estate known as property was a lord's most reliable and, without conceivable exception, his largest single source of income.³⁰ For the fifteenth century the only portion of this income which admits much comment is rent, paid in cash or kind at the two terms of the year by the holders of leases and short-term tacks, and forming the basis of extents. Other payments associated with tenure that was not honourable - incidents such as merchet and hereyeld - were assuredly not redundant,³¹ but in royal record at least they are mentioned with sufficient infrequency to suggest that their collection was not undertaken with vigour or that they had been commuted into rent. Being incidents they were, in any case, not the subject of rentals, but they were calculated upon the rental value and thus anything which can be said about the level of rents has bearing upon incidents as well. The only regular payment besides rent which could have a material effect upon the level of property income was grassum - the sum, usually equivalent to a year's rent, which was due upon entry to or renewal of a tack. This payment applied to three- and five-year tacks but not to one-year leases, and there is no real indication that the former were used extensively in setting the lands in any of the three estates under examination.³²

30. Scots magnates as dependent upon royal pensions as certain of their English counterparts are unlikely to be found: J.R. Lander, Crown and Nobility 1450-1509 (London, 1976), 19; Grant, Independence and Nationhood, 130-131.

31. Sanderson, Rural Society, 30; Nicholson, The Later Middle Ages, 5.

32. Ibid., 380.

In attempting an estimate of the value of the property within the inheritance of the first earl of Morton, the obvious source with which to begin is the list of possessions given in a royal precept of sasine of 10 June 1493 as having been resigned by the earl in favour of his son and apparent heir.³³ Excepting the lands yielding annual rents, which were either tenandry held of the earl in feu-ferm or else did not pertain to him except as annual rents, there are some thirteen baronies and eleven other individual or clusters of land units covered by the list. This appears to be a virtually complete list, omitting only lands not held in chief of the king. Edmondston in the barony of Biggar, of which the earl had taken sasine in 1457 and received confirmation in 1476, and of which his grandson took sasine in 1497/8, was held of Lord Fleming.³⁴ To this extent, therefore, evidence for the Dalkeith estate is perfectly satisfactory. Placing values upon these identifiable component parts is, however, obstructed by a lack of contemporary evidence. Values are known for only two baronies at a date during Morton's tenure of his inheritance. These baronies - Borgue and Preston in the Stewartry - fell to the crown as subtenancies within the forfeited Douglas lordship of Galloway, and in consequence they are dealt with in accounts rendered to the exchequer during the second half of the 1450s.³⁵ Borgue's value of forty merks yearly is the less useful because it is not apparent how much, if any of this sum, was later to be in the hands of the earl of Morton.³⁶ Preston's

33. SRO, GD 150, no. 234.

34. Ibid., no. 123; Wigtown Charter Chest, nos. 421-3.

35. ER, vi, 196, 198, 344, 347, 452, 568, 642.

36. Ibid., 196, 347. The Douglasses of Borgue held at least part of the barony, and a retour of 1443 suggests that the interest of the lords of Dalkeith in the lands may only have been that of superior: NLS, MS 72, fos. 119v-120v; SRO, GD 150, no. 103.

value, on the other hand, is of considerable assistance and can be used in making suppositions about the Dalkeith inheritance as a whole.

In the period 1455-59 - that is until Morton took sasine of Preston - the barony's yearly value is given as £26 13s 4d after the deduction of a terce owed to the 'lady of Dalkeith'.³⁷ Replacing the value of the terce allows the full value of Preston's property to be put at forty pounds yearly. This is a sum eight pounds less than that quoted in the Dalkeith rental of 1419 x 1440, but the difference can be explained when it is observed that the mill of Preston, set for eight pounds according to the rental, was set for meal when in royal hands.³⁸ Lacking any indication that part of Preston was alienated between the drawing up of the rental and the forfeiture of the Douglasses, it seems probable that rents in Preston were unaltered for twenty or so years before Morton took possession of the barony. That this was not peculiar to Preston can be shown by reference to a barony which had formerly lain within the Dalkeith inheritance.

The barony of Buittle, which passed out of the hands of the lords of Dalkeith no later than the Douglas forfeiture in 1455,³⁹ was first accounted for by a royal agent at the exchequer audit of 1456. Cash rents were cited for eleven of the nineteen land units of the barony which were given in the Dalkeith rental of 1419 x 1440. Of these eleven, four were charged at the same value given in the Dalkeith rental, four at lower values and three at greater values.⁴⁰ Over the next two years the rents of nine of the eleven land units were increased⁴¹ and the rental remained

37. Ibid., no. 126; ER, vi, 198, 344, 452, 568, 642.

38. Ibid., 194, 348; see Table VII below, p. 382.

39. The resignation of the barony to the 7th earl of Douglas in 1441 may not have been effective: Mort. Req., ii, 210-11; SRO, GD 150, no. 103.

40. ER, vi, 191; see Table VII below, pp. 381-4.

41. ER, vi, 344, 451.

unaltered thereafter until the exchequer year 1475-6 when there were values given for all but one of the eight units missing from the account of 1456.⁴² At this stage it becomes possible to make a rough comparison of values for the whole barony, and it would seem that between the rental of 1419 x 1440 and the exchequer audit of 1476 Buittle's rents had risen from around £78 to around £82 - that is something in the order of only five per cent. What is more, Buittle's rental value, excluding grassums,⁴³ was almost unaltered at the end of the century from what it had been in 1476.⁴⁴

Assuming that this apparent stability of rents was not merely a Gallovidian phenomenon - and there is evidence to suggest that rents elsewhere were making little progress in the mid- and later fifteenth century - there would seem to be justification for using the remaining values given in the second Dalkeith rental to give an indication of the revenues which the lands covered thereby may have yielded during the first earl of Morton's tenure of his inheritance. Some modifications are required nonetheless, and these chiefly involve the subtraction firstly of those lands known to have been alienated in the period between the drawing up of the rental and the earl's taking sasine of his estate, and secondly of those lands similarly treated by the earl himself. Buittle, as mentioned above, along with Moffatdale and the Kirkmichael lands, all found in the rental, formed no part of Morton's property,⁴⁵ although the earl retained the superiority of Moffatdale⁴⁶ and attempted to exercise superiority over part of the Kirkmichael

42. ER, viii, 339.

43. Grassums may have been introduced in 1458-9: ER, vi, 570.

44. ER, xi, 451.

45. RMS, ii, nos. 226, 1138, 1439, 1603.

46. SRO, GD 150, nos. 103, 234.

lands.⁴⁷ These lands, worth around £175 yearly, are the most important exclusions to be made from the rental, although the alienations of some smaller land units and the temporary absence of the barony of Morton from among the earl's possessions have also to be taken into account.⁴⁸ Robert Dalziel of that ilk claimed infetment in Bellybought in the barony of Morton, and, having obtained lawful sasine thereof in 1466,⁴⁹ probably remained in possession of the lands after the earl had recovered Morton in 1473/4. This would leave Morton with a rental value of £54. In addition it is possible that Stonypath in Linton was in the hands of one George Douglas or his predecessor before Morton succeeded to Dalkeith, and this would reduce Linton's yearly cash value to around £38 15s.⁵⁰ The temporary gift of two-thirds of the toun of Kilbucho to Hugh Douglas of Borgue and his spouse in liferent would have reduced the total rents of the barony of Kilbucho to a little over £35.⁵¹ Thus, the properties for which the rental of 1419 x 1440 gives legible values and in which the then James Douglas (IV) of Dalkeith was seized between 1456 and 1458 may have been worth around £325 yearly, along with two chalders of wheat, two chalders of oats and an insignificant amount of grassum. With the recovery of the barony of Morton in 1473/4⁵² the cash value of the Dalkeith inheritance, so far as it is covered by the rental, would have risen to around £370. After this point the earl alienated Whitfield in Linton⁵³ and Brego in Aberdour,⁵⁴ and set Glenmoth in Newlands⁵⁵ and Wester Balbarton in Fife in long-term tack.⁵⁶ All told this may have reduced the cash value of the property covered by the rental to around £340 by the mid-1480s, although the gift of Brego to

47. SR0, GD 97/2, no. 20.

48. See Table VII, below, pp. 381-4.

49. HMC Rep. xv, App. part viii, 37-38, no. 64.

50. Mort. Reg., ii, 224-26.

51. SR0, GD 150, no. 142. This gift, worth £10 yearly, suggests that in 1468 the toun of Kilbucho was valued at £15 rather than £14.

52. Ibid., no. 156.

53. Ibid., no. 182.

54. RMS, ii, no. 1455.

55. Ibid., no. 195.

56. Ibid., no. 198.

Inchcolm Abbey entailed a reciprocal gift of the Nether Mill of Aberdour,⁵⁷ and the feu duties from Glenmoth and Wester Balbarton, though treated for the present purpose as income from tenantry, would be ample compensation for the loss of mail involved. No doubt a rental from the 1480s would differ in other respects from the rental of 1419 x 1440: the location and amount of mains might have been altered, further lands might have been alienated or repossessed, the last remaining victual payments might have been commuted to cash, rents in general might have risen, and short-term tacks might have been employed more extensively, thereby increasing the contribution from grassums. However, it is probably not unreasonable to suppose that the regular yearly income yielded by the property of the baronies of Aberdour, Kilbucho, Linton, Morton, Newlands and Preston, and the lands of Balbarton, Edmondston, Eshiels and Kinnoull did not greatly exceed £400 at the time of Morton's death in 1493.

All this omits reference to the remaining properties held by the earl of Morton in the year of his death, and for which the rental of 1419 x 1440 is defective. Some possessions in Peeblesshire were of limited personal concern to the earl, likewise to any of his predecessors since 1406, and these may be dealt with summarily. The lands of Quilt, Fethan, Lochurd and parts of the barony of Kirkurd were certainly Morton's throughout his adult life,⁵⁸ but all of their mails were devoted to the support of chaplains at Dalkeith Collegiate Kirk.⁵⁹ For the rest, with the possible exception of the barony of Mordington in Berwickshire,⁶⁰

57. Ibid., no. 190.

58. Ibid., nos. 117, 234.

59. Mort. Req., ii, 324-8.

60. See Table VII below, p. 381.

there has to be recourse to valuations given by juries of inquest. These valuations, while quite possibly approximate or even 'factitious',⁶¹ were intended to show the amount payable in relief to the superior and as such ought to have been based only upon the issues normally in the vassal's hands. No reference should have been made to the extent of subtenancies held by ward or in blench ferm, unless these were held by ward on ward or happened to be in non-entry at the time of the inquest.⁶²

An inquest held on 15 July 1443, which returned James Douglas (III) of Dalkeith heir to the south-western components of his father's estate, gave, in the customary fashion, old and current extents for the baronies of Morton, Preston and Buittle and the superiorities of Borgue, Moffat and Hutton.⁶³ For all six items the extents given were the same as those obtaining 'in time of peace' - that is to say under the old extent, an historic valuation whose date cannot be fixed but which is presumed to have been in use before 1296. Moreover, the current extents, glib though they may appear, have a significant resemblance to actual mid-fifteenth-century rental values in the five cases where these are known.⁶⁴ The baronies of Morton and Buittle were valued at £60 and £80 respectively - sums whose proximity to the rents for which these lands were set according to the rental of 1419 x 1440 is in the order of shillings rather than pounds. The superiorities of Borgue, Moffat and Hutton were probably precisely as described; there is little reason to believe that from the point of view of the lord of Dalkeith they consisted of anything other than tenantry

61. Thomson, Memorial on Old Extent, 123.

62. Rodger, Feudal Forms, 33.

63. SR0, GD 150, no. 103.

64. See Table VII below, p. 382.

in 1443.⁶⁵ It remains useful, however, to observe that the extent of Moffat, at £40, exactly matches the rental value of 1419 x 1440, and that the extent of Borgue, at £20, was only £6 13s. 4d short of the value placed upon the barony by royal agents in the late 1450s.⁶⁶ Hutton yielded only six pounds yearly according to the rental of 1419 x 1440, but this was probably made up entirely of annual rents or feu duties. There is thus no rental figure available for comparison with the £160 given as Hutton's extent in 1443, which probably included tenandry. The only real difficulty lies with the extent of Preston, which at £60 is £12 greater than the rental value of 1419 x 1440. The difference, representing a smaller percentage increase than found in Borgue's case, is not so great as to be incredible, but it is curious, given that rent levels in Preston appear to have been the same at the time of the rental of 1419 x 1440 and in the late 1450s. Perhaps the simplest explanation for the discrepancy - providing the extent was not over optimistic - would be that more land in the barony was held as property in 1443 than either at the time of the rental or in the late 1450s. If so there may be one identifiable contributor to the discrepancy, for there were lands in Preston worth five pounds yearly which were occupied by one Herbert Johnston and were cited separately from the rest of the barony in the accounts of 1456 and 1457.⁶⁷

Nevertheless, it may in fact be irrelevant to quibble with the details given in the retour. Its chief point of interest is

65. To be perfectly accurate, the lords of Dalkeith reserved to themselves the 'Douglas Alcyre' in Moffat: NLS, MS 72, fos. 120v-121

66. It is possible that this sum stands for a portion of Borgue retained by the lords of Dalkeith rather than an increase in valuation.

67. ER, vi, 208, 344.

that it shows that the value of these lands in 1443 was close to but did not exceed the old extent. This may not have been an especially low valuation; eighteen years later the earl of Morton took the value of certain lands in the barony of Kirkmichael to be twenty marks - a sum greater by fourteen per cent than the rental value of 1376, but still only two-thirds of the old extent.⁶⁸

That a similar situation prevailed furth of Dumfriesshire and Galloway appears to be shown by retours concerning the sixth earl of Morton in 1606.⁶⁹ In these are repeated the old extents given in the retour of 1443 - except for Morton's - and quoted besides are old extents for almost the whole of the rest of the landholdings which made up the Dalkeith inheritance in the fifteenth century. The baronies of Kilbucho and Newlands are accorded old extents within a pound or so of their rental values of 1419 x 1440, whilst the subtraction of Stonypath and Whitfield from the list of constituent touns of Linton, these lands having been alienated after the composition of the rental, brings that barony's rental value close to conformity with the old extent. Some other lands - notably those in Fife and Perthshire - yielded rents rather more in keeping with the new extent cited in 1606 than the old. It is probable that lands remote from the border would, through immunity from the immediate effects of warfare and, more especially, the worst effects of plague,⁷⁰ be those likely to yield the highest rents in relation to the old extent, but it is possible that alienations in the space between the currency of the rental and

68. These were the lands of Crunzantoun, Raehills, Minnygap and Mollin: SR0, GD 97/2, no. 20.

69. Retours, i, Berwick, no. 63; Dumfries, no. 39; Edinburgh, no. 202; Fife, no. 172; Haddington, no. 33; Kirkcudbright, no. 71; Lanark, no. 64; ii, Peebles, no. 33; Perth, no. 167.

70. Grant, Independence and Nationhood, 74-76.

1606 reduced the amount of property such as to require a revision of the total old extent. In any event, it is clear that rent levels in the baronies of Aberdour and Kinnoull stagnated or even declined in the period between the two surviving Dalkeith rentals, and so any increase beyond the level of the old extent would have taken place before 1376.⁷¹

Notwithstanding this element of doubt, there does seem to be sufficient evidence here to allow the proposition that by the mid-fifteenth century rents in the southern parts of the Dalkeith inheritance had risen to a level scarcely, if at all, exceeding that of the old extent. If this can be accepted, the opportunity exists of supplying, albeit approximately, the farms missing from the second Dalkeith rental from the old extents given in 1606. Having done this it follows, given a marginal increase in rents during the second half of the fifteenth century, that an estimate of the total farms at the disposal of the first earl of Morton can be attempted.

A recent estimate based upon his rental of 1376 and the assessment of his income pre-requisite for his acting as a hostage for James I, sets a figure of £900-£1000 for the gross yearly income from rents enjoyed by James Douglas (I) of Dalkeith.⁷² The present attempt to evaluate the rental income of the first earl of Morton produces a rather less impressive total, and the main reason for this is the curiously low old extent given in 1606 for the baronies of Dalkeith, Calderclere and Garleton-Dunning, and the lands of Hawthornsyke, Dechmont and Howden.⁷³ The old extent of £38 for the barony of Robertson is quite plausible as an approximation to the current value in the fifteenth

71. See Table VII below, pp. 381, 383.

72. Grant, Independence and Nationhood, 132-3.

73. Retours, i, Edinburgh, no. 202.

century.⁷⁴ So too is the old extent of £6 13s 4d for Whittingehame, seeing that Sir William Douglas of Whittingehame had twenty poundlands there confirmed to him in 1452/3.⁷⁵ Even the old extent for the barony of Mordington – three pounds as compared with the £18 13s 4d to be paid in 1378 – can be explained by alienation at some time after the currency of the 1419 x 1440 rental, probably before the earl's tenure of his patrimony.⁷⁶ That all properties within the sheriffdom of Edinburgh bar Whittingehame should together have been worth £48 of old extent does, on the other hand, strain credibility somewhat.⁷⁷ However, disregarding this old extent as a useful indication of the value of the property in Lothian of the first earl of Morton and accepting instead that the baronies of Dalkeith, Calderclere and Garleton-Dunning had a more typical value of, say, £40 each requires the assumption either that rents in Lothian had left the old extent far behind by the late fifteenth century or that large-scale alienations took place before 1606. Neither of these possibilities can be supported with documentary evidence.⁷⁸

Using these figures as they stand the lands missing from the rental of 1419 x 1440 may have yielded around £95. In total, therefore, the property in which the second earl of Morton was seized in 1493 might well have been worth around £500 yearly. The first earl, for his part, never had the whole of the Dalkeith inheritance in his hands at any one time, his son and apparent heir having fee and liferent of Robertson and Hawthornseyke from 1469 and of Morton from 1473/4.⁷⁹ Though Sir John Douglas's

74. Ibid., Lanark, no. 64.

75. Ibid., Haddington, no. 33; RMS, ii, no. 595.

76. Retours, i, Berwick, no. 63. The existence of a family of Douglas of Mordington from no later than 1444 is apparent: SRO, GD 150, nos. 6, 191.

77. Retours, i, Edinburgh, no. 202.

78. No relevant alienations have been found in RMS, ii-viii.

79. SRO, GD 150, nos. 144-5, 156.

service to his father suggests that these infestments were a useful investment, it seems that the first earl's disposable income from property rents could have been as little as £400 for most of the last two decades of his life.

Rather less calculation is required to deal with the property of Alexander, duke of Albany; the evidence is rather more straightforward, there being accounts for his earldom of March in the Exchequer Rolls for 1466-7 and 1483-6⁸⁰ - terms immediately before and after his period in possession of the same - and for his lordship of Annandale for 1464-5 and 1500-1⁸¹ - superficially less satisfactory dates, but in practice perfectly acceptable. A relatively accurate assessment of Albany's income from property seems, therefore, to be a distinct possibility. In addition, being available for some years before and after Albany's tenure of these estates, the royal accounts of March and Annandale can be used to provide further evidence of the stagnation of rents in southern Scotland in the second half of the fifteenth century.

There was a limited amount of change in the extent of the property of the earldom of March in the period after 1450 - the first year for which a royal account is available following the forfeiture of the last Dunbar earl of March.⁸² Two modest revaluations took place, the earlier of which, unacknowledged by the accountant but evidently taking effect in 1451, saw a reduction of the farms of Earlstoun, Greenlaw, Leitholm, Mersington, Meikle Pinkerton and Oxwelldean amounting to something more than £34.

80. ER, vii, 491-6; ix, 427-36.

81. ER, vii, 308-12; xi, 340*-1*.

82. ER, v, 486-90.

To offset this there was an increase in the farms of the forest of Dye and East Barns totalling £15.⁸³ The second revaluation took effect in 1457, and this reduced the farms of Chirnside, Duns, Earlston and Little Spott by a total of under £17 whilst increasing the farms of Cockburnspath, Leitholm and Greenlaw by around £6.⁸⁴ The farms charged after this revaluation remained in force until Albany took possession of the earldom in 1467. In addition a certain amount of change in the lands held as property occurred. Trefontains and Earnslaw had effectively been shed from the earldom's property after 1455⁸⁵ and Hardens seems to have been accepted as tenandry by 1467.⁸⁶ These losses reduced the rental value by £24 10s, but this was compensated for by the inclusion of Meikle Birgham, Cockburn, the meadow of Cockburnspath, and the mills of Leitholm, Mersington and Whittingehame on the charge side of the earldom's accounts, these properties being worth yearly more than £80.⁸⁷ Thus, the earldom of which Albany took sasine had shown, in spite of stable and slightly falling rents, a net increase in its theoretical value of a little under £30 since 1450 — a rise of less than five per cent, providing the undoubtedly false assumption is made that the victual for which the Barns of Dunbar were set from 1454 was of equivalent value to their cash farm of earlier years.⁸⁸

Whether Albany was actually able to raise and dispose of all of the £533 6s 6d, eighteen chalders of wheat and eighteen chalders of bere at which his earldom is likely to have been valued in the late 1460s⁸⁹ seems, however, doubtful. The farms of Meikle Birgham,

83. Ibid., 579.

84. ER, vi, 429-30.

85. Ibid., 54-55, 58-59. *Now lost, 'Trefontains' lay near Abbey St Bathans:*

86. ER, vii, 495.

87. See Table VIII below, p. 385.

88. ER, vii, 495.

89. See Table VIII below, p. 385.

Birghamshiels, Chirnside, Graden, Leitholm and Mersington, worth more than £200 in all, had had to be written off in their entirety in 1464-5 owing to devastation caused by the English in the wake of the siege of Norham.⁹⁰ The more exposed parts of the earldom may have continued to suffer until the peace of 1474, and perhaps even thereafter. This probably helped to incline the duke towards retaining as property any land which fell into his hands, for the earldom as left at his forfeiture contained property valued at more than £70 yearly, along with victual, which had not been included before 1468. In addition some revaluation had apparently taken place, perhaps increasing the issues by more than £45, although some of this may also have been due to the retention of erstwhile tenantry.⁹¹ Set against this there was only the acceptance of the de facto possession of twenty merklands of Little Spott by Archibald Dunbar and the undocumented loss of the poundland of Doonshiel. As a result there was a net gain of around £100 in the value of the earldom's mails during Albany's period in possession. This, along with Albany's acquisition of the earldom of Mar,⁹² can be seen as having allowed the duke to engage in material patronage during his reappearance in Scotland in 1482-3. In his attempt to muster support he was prepared to relinquish lands to the value of £70 - albeit in the vulnerable towns of Mersington, Leitholm, Birgham and Upsettlington.⁹³

Consideration of Albany's lordship of Annandale has a limited effect upon the overall picture of his disposable yearly income

90. ER, vii, 495.

91. See Table VIII below, p. 385. There is mention of property in Leitholm having been newly recovered: ER, ix, 428.

92. RMS, ii, no. 1541.

93. Ibid., nos. 1573, 1745; HMC Rep. xii, App. part viii, 155, no. 236; ER, x, 128.

from rents; the property element of the lordship was neither large nor subject to much change. The bulk of the rents was provided by three properties whose total value of thirty pounds was the same in the exchequer year 1500-1 as it had been in 1448-9.⁹⁴ The identification as property of some other sources of income before 1464-5 increased the rental value by ten marks, and some minor revaluations before the end of the century took the total slightly beyond the level of forty pounds.⁹⁵

It can thus be said that the duke of Albany may have enjoyed - perhaps at some time in the late 1470s - property with a yearly rental value of £677 13s. 2d along with eighteen chalders of wheat, eighteen chalders of bere, a chalder of oats and seventy-two salmon. The relationship of the rental values to the old extent is not comprehensively documented, but what little information there is suggests that in the earldom of March at least the current extent barely exceeded the old in the later fifteenth century.⁹⁶ A major improvement against the old extent may, in fact, not have occurred until well into the sixteenth century.⁹⁷

A shortage of old extents forms no part of the problem of assessing the value of the properties of the fifth earl of Crawford. The difficulty here is quite the reverse of that afflicting an attempt to place the rental values of March and Annandale into some sort of context, for although extents both old

94. ER, v, 357; xi, 340*-1*.

95. See Table IX below, p. 387.

96. In the 15th century Oxwelldean stood at one merk below the old extent, Newtonlees, Riq and Fluris were together worth £1 13s 4d more and Little Spott 6s 8d more than the old extent: Retours, i, Berwick, no. 1; Haddington, nos. 67, 138; see Table VIII below, p. 385.

97. The value of Cockburn had increased more than threefold by 1518: ER, xiv, 608; see Table VIII below, p. 385.

and new for components of the Crawford inheritance can be found with some ease, the same cannot be said of valuations current during the later fifteenth century.

The principal sources for identifying the constituent elements of the Crawford patrimony in the fifteenth century are the writs entailing possessions of the second and fifth earls to, in the first instance, their respective sons and apparent heirs in 1421⁹⁸ and 1474.⁹⁹ These, though in neither case concerned with all parts of the earldom, can be fleshed out with more piecemeal evidence to produce a more or less complete picture of the Crawford estates in the later fifteenth century. Of eighteen land units entailed in 1421 it seems fairly likely that three - the lordships of Uras, Aberbothrie and Leithie - were at best superiorities by the time of the fifth earl's succession.¹⁰⁰ Eleven of the remaining fifteen units are common to both entails, whilst the other four units - the baronies of Clova, Guthrie and Inverarity and the lands of Bauchlaw - though not in the entail of 1474, probably included property of the earl in 1461. The entail of 1474 adds six land units to the list, and another six - the lands of Auchterellon,¹⁰¹ Auchtermoonzie¹⁰² and Ballinbreich,¹⁰³ and the baronies of Fern,¹⁰⁴

98. SRO, GD 121/3, bundle 2 (13 Dec., recited in a confirmation of 28 Dec.).

99. RMS, ii, no. 1191.

100. Parts at least of Uras and Aberbothrie were in the hands of Walter Ogilvy of Uras, who was certainly the earl's tenant in the second-named: Rylands, Crawford, box B, no. 46/1. Leithie may have been wholly in the hands of the Lords Gray, holding of the earl: SP, iv, 276.

101. ER, vi, 68; xi, 336*; SRO, GD 33/30, nos. 1-6. Auchterellon is here used as shorthand for a tenement of the earldom of Buchan, which included Auchterellon, the Park of Kellie and Uvirhill. It may have had baronial status: RMS, iv, no. 2946.

102. Rylands, Crawford, box B (Alexander, 7th earl of Crawford, 18 Mar. 1470/1).

103. Ibid., box B, no. 30; ADC, 102*. The earls of Crawford were not barons of Ballinbreich and held only the lands of Dunbog and Countryhills within the barony.

104. RMS, ii, nos. 1691, 1938.

Strathnairn¹⁰⁵ and Crawford-Lindsay¹⁰⁶ - can be identified from other sources.¹⁰⁷ Excluding Uras, Aberbothrie and Leithie the Crawford estates as inherited by the fifth earl consisted of some twenty-two baronies, a forest¹⁰⁸ and four other land units.¹⁰⁹ Some additions to and subtractions from the list took place in subsequent years, but these can be put on one side for the moment.

Values for eighteen of these land units can be found in the response book of 1517, in which was entered the casualty owing at the succession of the eighth earl of Crawford.¹¹⁰ These values need not, however, place even a moderately accurate assessment of the fifth earl's income within easy reach. Caution is required in dealing with the figures, for it appears that in every case the new extents cited in retours of the seventeenth century had been reached by 1517.¹¹¹ With a ratio of old to new extent of 1:1.65 the barony of Finavon shows the lowest increase in value. No other properties failed to double in value against the old extent and eight properties were assessed at four times the value 'in time of peace'. This in itself is not particularly startling, for increases of this order were barely enough to make up for the declining value of Scots coin, and it is valuations which had failed to leave the old extent far behind which ought to be worthy of remark.

105. ER, vii, 416; xi, 316*.

106. Rylands, Crawford, box B, no. 63.

107. The earl's somewhat tenuous title to the lands of Callander requires no consideration: RMS, ii, no. 465, 606, 3399, 3404; ER, ix, 658; ADC, 79.

108. The forest was Plater in Angus. Only twenty poundlands of the barony of Alyth in Perthshire were held as forest: ER, xi, 370*.

109. Cambo/Newhall and Baltroddie/Pitfour are treated as single units.

110. ER, xiv, 598-600. These values are used in preference to those, virtually the same, dating from the succession of the 7th earl in 1513; the list of properties concerned in 1517 is the more comprehensive: ER, xiv, 524-5.

111. See Table VI below, p. 377.

Nevertheless, the Dalkeith inheritance testifies to the possibility that rents might, in the fifteenth century, only be moving slowly beyond the level of the old extent, and it remains unclear to which of two extremes – the old extent's £540 or the new extent's £1590 – the rental value of the nineteen land units lay closer when they were in the hands of the fifth earl of Crawford.

Assuming that the Crawford patrimony was actually worth around £1600 in 1517 – and there is no reason to believe that casualty could ever be given a value in excess of the true value except where subtenancies were held by 'ward on ward'¹¹² – it would seem reasonable to suppose that the rental value of the estates had risen steadily over a lengthy period before this date and that in, say, the 1470s values lower by a modest percentage than those of 1517 would have obtained. Unfortunately it seems that an attempt to put something more definite in place of the supposition must rely heavily upon mid-fifteenth century rental values available for just two of the land units cited in the responde book of 1517.

The ward of the lordship of Strathnairn during the minority of the fifth earl of Crawford (1453–61) was accounted for variously by the king's receiver north of Spey and chamberlain of Mar and Moray. Accounts of these officers rendered between 1456 and 1462 and dealing with Strathnairn are preserved. The terms of the lordship, initially given as totalling £65 0s 8d yearly,¹¹³ eventually seem to have settled down at £60 13s 4d,¹¹⁴ due in part to the unexplained disappearance of one of the touns making up

112. How extensive any such subtenancies may have been is impossible to assess. It is clear, however, that, as with parts of the Dalkeith inheritance, relief was charged on lands described as superiorities: ER, xi, 336*.

113. ER, vi, 214, 374.

114. Ibid., 462, 513, 648; vii, 15, 122.

the property. Comparison of this total with the old extent quoted in the seventeenth century shows that the former, when Crawford took sasine in 1461, was the greater by a little more than fifty per cent.¹¹⁵ When the sixth earl took sasine of the lordship in 1499 the relief charged was £100, and for the sasines of the seventh earl in 1514 and the eighth earl in 1517 relief rose to £136 19s 8d and £151 13s 4d respectively¹¹⁶ - these latter two sums exceeding the new extent of £120 quoted in the seventeenth century. Since a list of touns nearly identical to that given in the accounts of the 1450s is quoted in the retour of 1638¹¹⁷ which provides the old and new extents, the discrepancy lacks a certain explanation - although a twenty-pound fee paid out of the farms to the keepers of Strathnairn Castle (Daviot) was perhaps being included in the total.¹¹⁸ Whatever the truth, it seems clear that Strathnairn's farms cannot have increased by less than seventy-five per cent between 1461 and 1517 and, if values were increased steadily during this period, it might be guessed that in the early 1480s the net farms stood at around eighty or ninety pounds - having reached a point roughly halfway between the old and new extents given in the seventeenth century.

The farms of the barony of Tillyhilt¹¹⁹ seem to have doubled during the fifth earl's possession of his inheritance. In the lands' first year of non-entry after the death of the fourth earl

115. See Table VI below, p. 377.

116. ER, xi, 316*; xiv, 547, 599.

117. Retours, i, Inverness, no. 62.

118. A fee of £20 for keeping the lands and castle of Strathnairn was awarded to Sir Alexander Forbes of that ilk by the 2nd earl of Crawford in 1432 - at which time the lordship was worth £81 yearly: A.B. Ill., iv, 393n. The value placed on Strathnairn seems likely to have varied depending upon whether the earls of Crawford were considered to owe relief upon this fee. The castle was specifically accounted for in 1514 but received no mention in the accounts of the 1450s or in 1499.

119. Tillyhilt is used as shorthand for a group of lands - including Tillyhilt, Tulybrocho, Newpark and Baunadodil - which seem to have been gathered into a barony: ER, v, 296, 367, 654; xi, 336*; xiv, 600.

the ferme were charged at ten pounds, and in 1497 the relief charged at the sasine of the sixth earl was twenty pounds.¹²⁰ It is not improbable, therefore, that Tillyhilt first came to be assessed at the new extent quoted in the seventeenth century during the lifetime of the fifth earl of Crawford.¹²¹

An estimate based upon the evidence available for Strathnairn and Tillyhilt of the total value in the later fifteenth century of the eighteen properties listed in 1517 is bound to be extremely rough-and-ready. A figure of around £1075 can be obtained if, with some necessary modification, the difference between the old and new extents is halved and added to the old extent.¹²² A figure little short of this may be arrived at merely by multiplying the old extent by two - a method which seems to be justified by some retoured valuations of other lands in Angus dating from the second half of the fifteenth century.¹²³

Some allowance has to be made for Strathnairn, which the fifth earl gave to the Lindsays of Beaufort and had found its way back into the Crawford patrimony by 1517, for superiorities,

120. ER, v, 654; xi, 336*.

121. The figure of £20 is at odds with the relief charged in 1517 and the seventeenth-century new extent, both of which are given as £13 6s 8d. These may signify the deduction of a terce, or possibly an alienation, but in any event it seems that the old extent of £6 requires revising to £9 for comparison with a valuation at £20: see Table VI below, p. 377.

122. Aside from modifications for Strathnairn and Tillyhilt (see above, n. 121) the old extents of Cambo, Fern, Glenesk, Kirkbuddo, Newdosk and Carnbeddie require revision in view of the fact that the relief charged in 1517 exceeds the new extent cited in the 17th century. The relief for Downie included victual and this seems to explain the difference between the 1517 and the seventeenth-century figures: see Table VI below, p. 377. The fifth earl seems never to have taken sasine of Pitfour, worth 40 merks yearly, but this need not signify that he was not in occupation of the lands: RMS, ii, no. 3463. Newdosk was valued at £40 in 1514, and this extent is used in preference to the 40 merks of 1517 - a sum which suggests the deduction of a terce: ER, xiv, 561, 562, 599.

123. SFO, GD 16/3, no. 16; GD 121/3, bundle 26 (21 May 1468), bundle 27 (30 Oct. 1490); Rylands, Crawford, box E (Walter Lindsay of Beaufort, 29 Jan. 1469); Glamis Inventory, box 5, no. 101; RMS, ii, no. 1038.

and possibly for land given in fee and liferent to the master of Crawford. Strathnairn, so far as can be judged, was given in its entirety to Walter Lindsay of Beaufort in 1465,¹²⁴ and there is reason to believe that all or part of the sums due as relief for Clova, Newhall and Tillyhilt were to be paid upon superiorities rather than properties.¹²⁵ Various lands in Alyth, Balendoch and Baltroddie were given in conjunct infeftment to Alexander, master of Crawford, and his wife. The impression left by the response book of 1517 is that these had been excluded from the charge of relief since the master's widow was still alive, but this seems to be denied by the new extents given in the seventeenth century, which correspond to the relief charges.¹²⁶ The figures may therefore be best left as they are, and in any case the fifth earl should have held the liferent of these lands until at least 1481 - the earliest year for the master's attainment of majority.¹²⁷ It may thus be appropriate to deduct around £125 in yearly value from the total, leaving lands to the value of, say, £950 in the earl's hands.

Consideration of the remaining nine land units makes little difference to the grand total: by the early 1480s the greater part of these properties can be taken to have been alienated. Of the Crawford estates north of the Forth, the barony of Guthrie was resigned in its entirety in favour of Master David Guthrie of Kincaldrum in 1465,¹²⁸ Auchtermoonzie was resigned in favour of Alexander Lindsay, the earl's brother, by 1470,¹²⁹ Bauchlaw had been given to James Ogilvy of Deskford by October 1474,¹³⁰ and

124. NLS, Acc. 5474, bundle 59 (14 Sept. 1465).

125. ER, xi, 336*; xiv, 598-9.

126. Ibid., 599-600; see Table VI below, p. 377.

127. Crawford could not have married until after 27 Feb. 1458/9: RMS, ii, no. 682.

128. SRO, GD 188/1/1, no. 4.

129. Haigh Inventory, i, 91-2.

130. RMS, ii, no. 1184.

Dunbog and Countryhills - the parts of the barony of Ballinbreich which pertained to the earls of Crawford - were wadset to the laird of Tarvit at an unknown date before January 1484/5.¹³¹ Auchterellon and the barony of Kinblethmont were probably little more than superiorities.¹³² The barony of Ruthven certainly contained some property, but it remains difficult to glean any idea of its extent.¹³³ South of the Forth the property of the regality of Kirkmichael seems variously to have been the concern of the earl's mother, Lord Crichton and his brother, Herbert Johnstone of Dalebank and Edward Livingston, but not of the earl; even the superiority, variously claimed by Crawford, the earl of Morton and Lord Crichton, seems to have been lost to the last-named.¹³⁴ This leaves only the castle and barony which furnished the earl with his title, and it appears that Crawford-Lindsay, in time of peace worth £200 and thus the most valuable of his properties by the old extent, was worth only forty pounds in 1461.¹³⁵ Land values in southern Scotland may not have improved greatly upon the old extent by this time, but it is hard to give credence to such an extraordinary collapse in value, and it seems highly likely that the lands assessed in time of peace were not identical to those assessed in 1461. The old extent probably fails to take into account large-scale alienation of the barony's property - alienation which in 1461 had yet to be completed¹³⁶ and which eventually led to the

131. ADC, 102*.

132. Auchterellon was recognised by James IV on the grounds of excessive unlicensed alienation: RMS, iv, no. 2946. Kinblethmont was probably in the hands of the Lindsays of Beaufort, formerly styled 'of Kinblethmont': see above, pp. 96-7.

133. ADA, 143.

134. RMS, ii, nos. 226, 361, 776, 786, 1439, 1588; ER, ix, 664; ADA, 54; SRO, GD 97/2, no. 29.

135. Rylands, Crawford, box B, no. 63. Crawford Castle and the lands adjacent thereto were worth another 10 merks.

136. RMS, ii, nos. 1391, 1448, 3389; Newbattle Registum, 253-6.

recognition of the barony by James IV.¹³⁷

A total of around £1000 excluding victual is thus suggested as the theoretical rental value of the Crawford patrimony as held by the fifth earl at some time around 1480. By his death in 1495 some revaluation is likely to have taken place, and if Strathnairn is anything to go by, this may have brought values up to a point around two-thirds of the way between the old and new extents – that is to say, around £1250.

None of the three properties acquired by the fifth earl during his adult life represented a permanent addition to the Crawford patrimony, and no two were in his hands at the same time. The most valuable of the three, the lordship of Brechin and Navar, was given to the earl by James III on 9 March 1472/3¹³⁸ and remained lawfully in his hands until the gift was revoked in 1476.¹³⁹ For that period it enriched him to the tune of nearly £150 yearly, along with six barrels of salmon, 500 stockfish, 100 hens and fourteen bolls of oats.¹⁴⁰ Cockburn and Todrig in the earldom of March, together worth thirty-five pounds yearly, were acquired by gift of the king in 1484¹⁴¹ and remained in his hands for a mere five terms.¹⁴² The lordship of Kinclaven was one of the gifts bestowed on the earl in fee and heritage by James III on 18 May 1488 as reward for his service at Blackness shortly before.¹⁴³ James IV confirmed the gift on 19 September 1489¹⁴⁴ whilst reducing it to liferent, and the earl seems to have raised the ferms, which amounted yearly to seventy-two pounds, with grassum, and 100 salmon, from 1490 until his death.¹⁴⁵

137. RMS, ii, no. 2298.

138. Ibid., no. 1111. The gift was supposed to be for life.

139. ER, vii, p. lxxv.

140. ER, viii, 150, 440.

141. RMS, ii, no. 1599. This gift seems tacitly to have recognized the earl's mother's title to Cockburn: ER, vi, 434, 540, 626; ix, 662.

142. Ibid., 519; RMS, ii, no. 1711.

143. Ibid., no. 1725.

144. Ibid., no. 1895. 145. ER, x, 252, 324, 521, 577.

The remaining element of the estate - the land in tenandry - is the most difficult to assess as a source of income, simply because little of the revenue which it might supply was regular or predictable. The revenue which was raised on a yearly or termly basis was drawn from those fiefs held for a yearly reddendo - that is to say those fiefs held for a yearly payment, in feu-ferm and its near equivalent the long-term tack,¹⁴⁶ or blench ferm. In theory the distinction between the two is that the feu-ferm reddendo was substantial and bore some relation to the actual value of the fief, whereas the blench-ferm reddendo was nominal. The practice was not always quite so straightforward; since they denoted species of the same type of tenure the terms feu-ferm and blench-ferm were to some degree interchangeable and the distinction between the nominal and the substantial reddendo is not invariably made clear by the use of the two terms. However, there does seem to have been a fairly clear distinction between what was worth raising and what was not, and the reddendo which reflects actual value is usually perfectly obvious. A little more difficulty arises with the use of the expression 'annual rent', which might equally signify a yearly payment for which the lands were held - a reddendo - or a sum which was itself the lord's property and was drawn from lands which were neither his nor held of him. The latter variety should, of course, be classed as 'property', but, wanting a means of positively distinguishing true annual rents, all payments described in this form are here treated together.

146. The 'long-term' tacks, meaning those of 19 rather than 3 years, were barely different from feu-ferm; they were heritable and might also be repeatedly renewed.

It seems, in any case, that the importance of these distinctions to an examination of magnatial income in the later fifteenth century is limited. It cannot be shown that the yearly total of annual rents of all types due to the earls of Morton and Crawford and the duke of Albany was at all significant. Morton is not known to have given any land in feu-ferm, although he did create at least two long-term tacks and inherit a number of annual rents. Glenmothe in Peeblesshire and Wester Balbarton in Fife were set in tack - the latter for ten pounds yearly, which represented an increase of one-third upon the rental value of 1419 x 1440. By the same principle Glenmothe would have been set for twenty pounds yearly.¹⁴⁷ Seafield and Tyrie in Fife had been held in feu-ferm for eight merks and three chalders of wheat since before 1376;¹⁴⁸ a tenement in Dalkeith had been feued in 1421 for a yearly payment of one merk;¹⁴⁹ Shiels in Calderclere had been held in blench-ferm from no later than 1422 with the duty of four shillings yearly probably considered to be worth raising;¹⁵⁰ and by the time of the rental of 1419 x 1440 the tenement of Hutton seems to have yielded a total of six pounds in some sort of annual rent.¹⁵¹ In addition the earl had a total of £17 6s 8d sterling from certain lands in Peeblesshire, and this, described alone of the Morton possessions listed in 1493 as 'annual rent', was probably not a feu-duty.¹⁵² Taking sterling at three times the

147. SR0, GD 150, nos. 195, 198; see Table VII below, p. 382.

148. Mort. Req., i, p. lxvi; SR0, GD 26/3, no. 796.

149. RMS, ii, no. 144.

150. SR0, RH5, no. 225.

151. See Table VII below, p. 381.

152. SR0, GD 150, no. 234.

value of current money, this annual was, nevertheless, of considerable value. The fifth earl of Crawford is known to have feued two pieces of land - the mains of Kinblethmont, which was to be held for ten pounds yearly and the toun of Alyth, which was to be held for forty marks yearly.¹⁵³

However, these and any other feu-ferm tenancies whether existing or newly created, should have been taken into consideration in the assessment of casualty due in 1517. Being thus indistinguishable, any feu-duties have alas already been included in the estimate of the value of the earl's property. The receiver of March accounted for twelve annual rents to the value of £8 18s in all in the exchequer year 1466-7.¹⁵⁴ None of these were described as feu-duties, although two were regarded as blench-duties and another seems to have been paid for a tack. In addition the blench reddendo of two pairs of gilt spurs for part of the lands of Papple was raised, having a value of one merk by sale. Three of the annuals were definitely not owed for tenancies within the earldom: four pounds came out of the farms of Dunbar, a royal burgh, and another two payments totalling 26s 8d were found to be castleward for Berwick Castle, to be accounted for by the sheriff of Berwick.¹⁵⁵ Twenty years later, when March was once more in royal hands, the annual rents numbered twenty and amounted to £13 3s 7d, along with the gilt spurs, still sold for a merk, a pound of cumin sold for a shilling, and two pounds of pepper, which seems to have been accepted as a usable commodity.¹⁵⁶ The net increase of £4 5s 7d involved the inclusion of ten annuals

153. RMS, ii, no. 3575; iii, no. 693.

154. ER, vi, 492.

155. Ibid., 495-6.

156. ER, ix, 428, 430.

not previously mentioned worth £5 12s 3d in all, and the exclusion of the castleward payments. Though perhaps partly a matter of the identification of further blench duties which were actually worth raising, the increase might also have owed something to a limited amount of feuing by the duke of Albany; it does seem that Duns mill and some land in the town of Duns were set at least in long-term tack.¹⁵⁷ Other long-term tacks are known to have been in force during Albany's tenure of the earldom.¹⁵⁸

There is nothing here to contradict the view that feuing was slow to gain in popularity among secular landlords.¹⁵⁹ Indeed, it seems highly probable that the regular yearly income derived from tenantry by a given fifteenth-century lord would in most years be exceeded by the variable income derived from the same element of his inheritance. The bulk of tenantry undoubtedly consisted of ward or 'military' holdings and blench tenures whose single-penny and floral duties were not 'asked'.¹⁶⁰ These types of fief yielded only casualty to the superior, and the blench holding could yield only ward or, more correctly, non-entry out of the full range of possible orthodox feudal dues.¹⁶¹

The casualties or incidents of ward, relief and marriage arose, as might be imagined, casually or incidentally, and since accounts dealing with their collection do not survive there is no practical means of discerning how much income they might provide. Reconstructing an account of casualty would require knowledge of the identity of a given lord's tenants, the dates of

157. Ibid., 428.

158. ADC, 30.

159. Nicholson, The Later Middle Ages, 382.

160. A reddendo of any sort was only to be handed over si petatur.

161. Relief did apply to blench holdings and was normally collected, but it amounted only to a doubling of the duty - 2d instead of 1d, for example.

their deaths, the age and marital status of their heirs, the value of their holdings and the terms under which these were held. It is just conceivable that the acquisition of such knowledge might not actually be impossible in some cases, but having assembled the necessary information there would still be no guarantee that an accurate assessment of the income from casualty could be made; there could be no assurance that the revenues had actually been raised, that they had not been composed for or remitted in whole or in part, or that they had not been given or farmed out at a discount to a third party.

What can be done is to give some examples of the proportion of a lordship which might be taken up with tenantry. An inquest into the value of Lothian made in 1479 for the purposes of taxation found that the 'toun of Dauketh with the manis and the baronry within the scherefdome' was worth £606 6s 8d of old extent. With the addition of forty pounds of old extent for East Calder, otherwise known as Calderclere, and another ten marks for some parts of West Calder, these baronies being assessed separately, it can be said that the earldom of Morton within the sheriffdom of Lothian was made up of lands worth around £650 in time of peace.¹⁶² Of this it seems highly likely that lands to the value of only £54 6s 8d by the old extent were held as property by the first earl of Morton,¹⁶³ leaving tenantry to make up almost ninety-two per cent of the whole. The proportion of property in Annandale may have been smaller still; the lordship contained thirty-two parishes for which an average value of forty pounds might well

162. Bannatyne Misc., iii, 427, 430.

163. See Table VII below, p.382.

be conservative.¹⁶⁴ Since the value of the lord's property in Annandale was little more than forty pounds, the proportion of tenantry could have exceeded ninety-seven per cent.¹⁶⁵ How typical such percentages may have been is difficult to tell. There may have been considerable variation within any given magnatial patrimony - as for example in that of the earls of Crawford, whose barony of Glenesk, in named components if not in value, contained one-third tenantry in 1511,¹⁶⁶ but whose barony of Crawford may have been one-fifth property in 1461 and was composed entirely of tenantry by 1496.¹⁶⁷ The figures do, nevertheless, indicate the sort of effect which centuries of subinfeudation could have had upon a magnatial patrimony, and how small might be the rump of property left to a lord of the later fifteenth century as his source of regular income.

The remaining important form of revenue provided by the inheritance is barely less obscure than casualty. Court issues - the fines imposed upon wrongdoers and those who failed in their duty as suitors - were probably of some significance and if, as in England, they provided between ten and fifteen per cent of total income,¹⁶⁸ it seems likely that in most years they would exceed casualty in value. However, beyond making the general observations that this form of income was variable and that those lords, like Morton and Albany, who held in regality¹⁶⁹ were better off than those, like Crawford, with almost wholly

164. ER, xi, 341*.

165. See Table IX below, p. 387.

166. RMS, ii, no. 3627. The barony had been recovered from recognition, and this balance of property and tenantry probably represents a return to an earlier and more acceptable condition.

167. Ibid., no. 2298; Rylands, Crawford, box B, no. 63.

168. Grant, 'The Higher Scottish Nobility', 261.

169. Ibid., 119, 120.

baronial jurisdiction,¹⁷⁰ there is little to be said; the absence of local court records before the sixteenth century makes a precise evaluation of judicial revenue impossible. The scale of income which a justice ayre held in the earldom of March might provide is indicated in royal accounts of the 1450s and 1460s: an ayre in 1450 yielded £159, but this seems to have been an unusually large figure judging from the sums of thirty-six, forty, twenty-two and forty-five pounds produced by later courts.¹⁷¹ These are the only court issues mentioned in royal accounts of March, and on the premise that the ayre, at best held once yearly according to the records, was not the only court dealing with criminal proceedings in the earldom, these latter, rather trifling sums probably do not represent the whole of the judicial profits which an earl of March would have raised. There is some evidence that the sheriff courts of Berwick had jurisdiction in the earldom while it was in the king's hands.¹⁷²

Although the high point in the payment of annuities out of royal resources had been passed early in the fifteenth century,¹⁷³ it remained possible for a magnate significantly to improve his financial position through service to the king. This could chiefly be achieved by obtaining certain types of royal office - not so much sheriffships and receiverships, for which the direct reward was small, as constabularies of royal castles, wardenships of wards of the march and, less certainly, central government posts.¹⁷⁴ Annuities - and

170. Crawford's only regality was Kirkmichael in Dumfriesshire: *Ibid.*, 119-20; *RMS*, ii, no. 1191.

171. *ER*, v, 489, 580; vi, 94, 624; vii, 97.

172. *ER*, vi, 256-7.

173. Grant, *Independence and Nationhood*, 130-1.

174. Evidence of fees paid to those holding central government office in the later fifteenth century seems extremely difficult to find.

particularly those of an heritable type - which were unconnected with specific office, were far more unusual by the later fifteenth century; the trend was rather towards the cancellation of pensions dating from the early Stewart period than towards the creation of new ones.¹⁷⁵ The success of the fifth earl of Crawford in clinging on to a number of long-standing annuals is thus fairly remarkable. For this, and another more particular reason besides, it seems suitable to treat these payments not as part of the Crawford patrimony but as a reflexion of royal favour and therefore as reward for service.

Lucrative office - or indeed royal office of any sort - did not come the way of the first earl of Morton, although he was able to secure a loan of £100 from James III at some time before July 1478.¹⁷⁶ This was not the case with the duke of Albany and the fifth earl of Crawford, whose yearly incomes were substantially boosted by fees. As warden of the east and west marches it seems likely that Albany would be entitled to no less than £200 yearly, although there is no record of any fee being paid. No near contemporary holders of precisely these two wardenships can be found, but the earl of Buchan was being paid 200 merks yearly for the middle march between 1479 and 1481,¹⁷⁷ the earl of Angus, Buchan's successor in the middle march, was paid 300 merks yearly,¹⁷⁸ the earl of Bothwell was due £200 for keeping the west and middle wards of the march from 1488,¹⁷⁹ and in 1499 Lord Home received £100 for keeping the east march.¹⁸⁰ As the lord admiral the duke may have been paid a further fee, but no notice of such

175. Grant, Independence and Nationhood, 131.

176. NLS, MS 74, fo. 1.

177. ER, ix, 185.

178. Ibid., 271.

179. ER, x, 100.

180. ER, xi, 207.

has been found. The earliest remuneration of the fifth earl of Crawford for holding office of the crown - aside from the six pounds retained as fee for his office as sheriff of Aberdeen¹⁸¹ and, no doubt, a similar sum collected for serving as sheriff of Forfar - came with his appointment as keeper of the castle of Berwick-upon-Tweed for a three-year term commencing in 1473.¹⁸² For this he was rewarded with 300 marks yearly, drawn on the profits of the burghs of Berwick and Haddington.¹⁸³ Six years after the expiry of this term he is found as keeper of the town of Berwick, jointly with Lord Gray. This office, for which he was more modestly rewarded with a quantity of victual,¹⁸⁴ was perhaps specially created in response to the threat of invasion, and lasted in any event no later than the autumn of 1482, when Berwick fell to the English. As chamberlain and master of the royal household from 1482 until 1488 Crawford might be assumed to have received a substantial fee, though this lacks documentary proof. Reorganization of the crown's fiscal administration by James I had reduced the importance of the chamberlain¹⁸⁵ and, though this need not mean that the chamberlain was no longer paid, it is possible that his services were no longer worth the £200 annuity customary in the first quarter of the fifteenth century.¹⁸⁶ There may, however, be cause for believing that King James's reauthorization of certain old and in some cases contentious annuities owed to the earl was related to the earl's tenure of governmental office.

181. ER, viii, 32.

182. RMS, ii, no. 1133.

183. ER, viii, 251.

184. Crawford and Gray were together paid 1 chalder, 2 bolls, 3 firlots of wheat; 3 chalders, 9 bolls, 1 firlot of malt; 10 chalders, 8 bolls, 2 firlots of oatmeal; ER, ix, 433. Such a fee was inflation-proof, and may have been worth over £50 to each of the keepers.

185. A.L. Murray, 'The Comptroller, 1425-1488', SHR lxi (1973), 1-3.

186. ER, iv, 39, 355-6.

The pensions upon which the earl had a claim were as follows: 100 merks from the customs of Aberdeen and forty pounds from the same burgh's mails; 100 merks from the customs of Dundee; forty merks from the customs of Montrose; nineteen merks from the water mails of Banff; ten merks from the burgh mails of Forfar; and five pounds from the burgh mails of Crail.¹⁸⁷ In total the pensions amounted to £224 6s 8d yearly, but out of these only the annuity of 100 merks from Dundee – judged to have dated from an infeftment by David II¹⁸⁸ and the Crail annuity appear to have been paid consistently.¹⁸⁹ All the rest were queried at one time or another before and during the fifth earl's lifetime, and it is plain that Crawford had some difficulty in ensuring their payment. He managed to collect the two annuities from Aberdeen for the first time in the exchequer year 1472–3, in spite of opposition from the burgh's accountants, but this was a precarious success.¹⁹⁰ The customars and bailies of Aberdeen wanted to discontinue payment after the year of account 1474–5,¹⁹¹ The earl seems to have had no success in raising the Montrose pension around this time, whilst the Banff and Forfar annuities clearly proved problematic as well.¹⁹² Towards the end of the 1470s the earl was reduced, if not to the intimidatory methods employed by his father in confronting the bailies and customars of Aberdeen,¹⁹³ at least to appropriating what he could of the customs of Aberdeen and Montrose.¹⁹⁴ It was

187. ER, v, pp. c-ci, n.; xiv, 598–600; SRO, GD 121/3, bundle 2 (28 Dec. 1421).

188. ER, viii, 117.

189. The Crail annuity was in the hands of assignees: ER, iv, 588; vii, 594; viii, 109; ix, 553; xiv, 599.

190. ER, viii, 198, 205.

191. The bailies of Aberdeen paid the earl for the last time in 1478, and the customars were once again querying right to 100 merks in 1479: ibid., 558, 632, 640.

192. Ibid., 475; ix, 554; x, 619.

193. ER, v, 630, 639.

194. ER, viii, 625, 632.

not until 1483 – after Crawford had taken up formal government office – that the situation improved. On 2 July of that year the king issued letters to the custumars and bailies of the burghs of Aberdeen, Montrose and Forfar instructing them to pay the annuities and at length they started to comply.¹⁹⁵ Payment of the forty merks from the Montrose customs began in 1486 and two years later payment of the 100 merks from the customs of Aberdeen was recommenced.¹⁹⁶ The bailies of Forfar seem to have grudgingly allowed the ten-merk annuity to be raised,¹⁹⁷ but payment of the forty pounds from the farms of Aberdeen was not resumed until after the earl's death.¹⁹⁸

Despite gaps in the evidence there is probably sufficient information available upon which to base rough estimates of the gross theoretical income which the three magnates under scrutiny might have enjoyed. Without making allowance either for lands held in fee and liferent by the son and apparent heir of the first earl of Morton or for issues taken up by prebendaries of the collegiate kirk of Dalkeith, and instead assessing the whole of the Dalkeith patrimony, the gross value of the properties pertaining to the first earl of Morton may have been approaching £550. Known feu-duties barely exceed forty pounds in total, but, perhaps erring on the side of liberality, an allowance for unidentified duties might bring the gross theoretical money yield of the Dalkeith estates to around £625 yearly. Victual issues recorded in the rental of 1419 x 1440 amounted to five chalders of wheat and two chalders of oats,¹⁹⁹ which, depending upon prevailing prices, may

195. ER, ix, 227.

196. ER, x, 63, 135.

197. ER, ix, 554; x, 241.

198. ER, xi, 240-1.

199. See Table VII below, pp. 381-4.

have had a cash value of as much as £140 or as little as twenty-five pounds in a given year during the 1470s and 1480s.²⁰⁰ Prices of a merk for the boll of wheat and a half-merk for the boll of oats might be taken as close to the median, and these would give a cash value of sixty-four pounds for the victual - a total which could reasonably be doubled in order to take into account issues in kind from those parts of the Dalkeith estates missing from the rental of 1419 x 1440. To the total of around £750 thus far suggested can be added another fifty pounds for sterling annual rents. If judicial income from the regality of Dalkeith represented fifteen per cent of the earl's gross income and incidents represented - at a sheer guess - another ten per cent, the grand total can be brought to a point somewhere between £1050 and £1100. Significant revaluation of rents along with the more widespread use of three-year tacks might have taken place before the earl's death. In 1493, and consideration has to be given to the possibility that mains exploitation made a material difference to the level of the first earl's income. Even so, it remains difficult to believe that the Dalkeith inheritance could regularly have yielded more than £1500 before the end of the fifteenth century.

The cash rental income of the duke of Albany, which approached £680 can be augmented with only around fourteen pounds from feu-duties and other annual rents and no more than sixty merks of grassums from the tacks of the barony of Cockburnspath,²⁰¹ which have to be averaged out over three years. The conversion of victual rents into a money equivalent does, however, make an

200. During these two decades wheat ranged in price between 5s and 30s the boll, and oats between 2s 6d and 13s 4d the boll:

ER, viii, 303; ADA, 68, 114.

201. ER, viii, 317, 495; ix, 431.

appreciable difference to the total; the eighteen chalders of wheat and eighteen chalders of bere, the single chalders of oats, thirty-two marts and seventy-two salmon which were the duke's due may have been worth around £275 in the mid-1470s,²⁰² and the grain alone was probably worth a good deal more when raised by the duke after the harvest of 1482.²⁰³ Taking judicial income and incidents as representing twenty-five per cent of gross revenue from the estate, a total in excess of £1300 may be arrived at, to which should be added £200 for Albany's fee as warden of the east and west marches. Some additions to this suggested total income of £1500 may have come from maine exploitation, sheep-rearing and the court of the admiral, but even an informed guess as to the extent of such revenues is scarcely a possibility.

To the cash rental value of around £1000 for the Crawford estates pertaining to the fifth earl of Crawford at some mid-point in his adult life no feu-duties can be added - these, as noted above, should have been incorporated in the relief assessments of 1517.²⁰⁴ The rents in kind, recorded as part of the value of the barony of Downie, are rather less easily dealt with, for these, totalling thirty-five chalders and six bolls by volume, are described without qualification as 'victual'.²⁰⁵ The possible variations in estimates of their value are thus enormous: if all were oats at the low price of 2s 6d the boll recorded in 1473 and 1478/9²⁰⁶ their value would have been £70 15s; if all were wheat at the high price of thirty shillings the boll recorded in 1488 their value would have been £849.²⁰⁷

202. This would be so with wheat at c.10s. the boll and bere at c. 6s 8d the boll: ER, viii, 410, 447. A mart may have been worth around 12s at the same time: ADA, 50. Prices of salmon tend to be per last or barrel, and not per fish.

203. High victual prices were probably prevailing at this time: Macdougall, James III, 312; ADA, 112*, 116*.

204. See above, p. 330.

205. ER, xiv, 598.

206. ADA, 24, 68.

207. ADA, 114.

Without an indication of the produce involved a compromise value is required, and it may be reasonable to take a price per boll of ten shillings and so add £283 to the value of the earl's property. Since Crawford lacked regalian powers on any significant scale it might be said that judicial income and incidents represented together a fifth rather than a quarter of the income from his estates, and an overall total of around £1600 would thus be produced. The earl's income was probably at its peak in the mid-1470s, when he was in receipt of £200 yearly for keeping Berwick Castle, raising £191 of his alleged pensions from burgh revenue and held the lordship of Brechin - perhaps worth in excess of £200. At this time, with revenues - though certainly not actual receipts - standing at around £2200, it is quite likely that there was no secular magnate in the realm with a greater gross income. A yearly value little short of this sum may have been reached towards the end of the earl's life, when most of his annuities were being paid, various gifts had been bestowed upon him by James III, and revaluation of property had probably pushed rents a little closer to the new extent.

These estimates of gross income are offered merely to give some general idea of financial resources which lay behind certain leading magnates of the later fifteenth century. They do not purport to be even a rough guide to the level of disposable income, for it is perfectly clear that the chamberlains and receivers of Morton, Crawford and Albany never set eyes upon sums of the order of £1000-£2000, even before disbursing receipts.

In the first place it is unlikely that grain rents - or very much of them - were actually available to be sold. Most were probably committed to the supply of households, and some would be

paid out as wages - perhaps after milling or malting - to household employees.²⁰⁸ Secondly, there would be a significant proportion of money issues committed to certain principal officials. Morton paid twenty pounds to his constable of Dalkeith,²⁰⁹ and probably had to award similar fees to his keepers of Morton and Aberdour, his chamberlain - who appears to have had no independent means - and, no doubt, various others. Albany could probably not avoid paying fees commensurate with those awarded when the lordships of March and Annandale were in the king's hands: over £152 would thus have been committed each year merely to the captains of Dunbar and Lochmaben, the steward of Annandale and the receiver and serjeants of March.²¹⁰ A further portion of cash revenues would be given over to pious donations and pensions. Individuals other than the earl of Crawford can be identified who seem to have been entitled to raise over £100 of his revenue,²¹¹ and from October 1488 the whole of his two pensions from the burgh of Aberdeen were placed in the hands of his wife.²¹² Automatic

208. For example, an unspecified number of watchmen at Dunbar Castle in the 1460s were paid 3 chalders, 4 bolls, 3 firloths of wheat and the same quantity of malt: ER, vii, 181.

209. NLS, MS 72, fos. 122r-123r.

210. In the 1460s a fee of 100 merks with the whole farms of Newtonlees and Little Pinkerton (£18 13s 4d), amounting to £85 6s 8d in all was normally paid to the keeper of Dunbar Castle; £30 was paid to the keeper of Lochmaben Castle; £20 was paid to the steward of Annandale; £10 was paid to the receiver of March; £1 was paid to each of seven serjeants of March: ER, vii, 309, 311, 494, 565.

211. RMS, ii, nos. 483, 1169, 1184; iii, no. 1572 n.; Brech. Req., ii, 20-23, 114-15; 210-12; ER, vii, 126, 140; ix, 554, see above, n. 189.

212. RMS, ii, no. 1795.

deductions of these types would ensure that gross and net income stood a significant distance apart, and the gap would be a good deal wider for those lords - probably the majority - whose mothers were still alive when they took possession of their inheritances. The fifth earl of Crawford for one can never have had the whole of his patrimony at his disposal: at worst five-ninths of the issues of the earldom of Crawford, made up of terces due to his mother and grandmother, would have been out of his hands until the latter's death between March 1478/9 and January 1484/5,²¹³ whereafter the terce due to his mother, who outlived him,²¹⁴ would still have been drawn. The precise extent of the terces is not known, but there is evidence showing the application of both to the lordship of Strathnairn and the Dundee annuity²¹⁵ and the application of at least one to the lordships of Inverarity, Alyth and Crawford-Lindsay.²¹⁶

Even without any evidence of the state of magnatial incomes in the later fifteenth century it might be suspected that not all members of the higher nobility perceived themselves to be in a state of financial well-being. Some manifestations of, if not actual impoverishment, at least a belief on the part of the earl of Morton that his resources were insufficient have

213. ADA, 75-76; ADC, 105*.

214. ER, x, 610. His mother's was the smaller terce, being two-thirds of his grandmother's.

215. ER, vi, 124, 140.

216. ADA, 89; ADC, 134, 361.

already been referred to. To these might be added the fact that the earl was unable to pay back in full even the modest loan of £100 which he obtained from James III, being reduced to handing over a gold crucifix and chain to the king as caution for fifty pounds.²¹⁷ The earl of Crawford, for all his appearance of great wealth, spared no effort to secure receipt of various pensions to which he was doubtfully entitled, illegally appropriated part of the issues of Brechin and Navar long after the gift of the lordship to him had been revoked,²¹⁸ continued to raise his annuity from Banff after granting the same to the laird of Findlater,²¹⁹ disregarded the threat of recognition in his determination to sell what was left of the property of Crawford-Lindsay,²²⁰ and sold to his brother two of his more valuable and centrally-placed baronies,²²¹ whose fairly prompt return to the patrimony of the main line of the family was hardly an event which the earl could have foreseen.²²² The duke of Albany, who appears to have made an effort towards increasing the proportion of property within the earldom and may have experimented with mains farming in the barony of Dunbar, was prepared to risk his brother's wrath and undermine the policy of securing peace with England by engaging in truce-breaking raids - presumably with no other motive than the winning of booty.

With some evidence of the state of magnatial incomes there seems to be a possibility of placing this sort of behaviour into context. After 1470 the current money of Scotland contained

217. NLS, MS 74, fo. 1; *see above*, p. 210.

218. ADA, 123.

219. RMS, ii, no. 1184; ER, viii, 475.

220. RMS, ii, no. 2298.

221. Ibid., no. 1938.

222. His brother succeeded to the earldom in 1513: SP, iii, 21.

approximately one-seventh the amount of silver contained in the sterlings circulating in the thirteenth century - the time of peace to which the old extent relates.²²³ For the Scots nobility of the later fifteenth century to have lived in the style to which their thirteenth-century predecessors were accustomed it might be supposed that rents required to have risen sevenfold. This they manifestly failed to do. In the south of Scotland the old extent level may generally have been reached before the middle of the fifteenth century, but it seems doubtful whether such a level had been signally improved upon in many districts south of the Forth by 1500. Further north circumstances were probably substantially different, but even so it is unlikely that rents could have been raised which were as much as half the value in silver content as those raised 'in time of peace'. This is not to say that inflation followed currency debasement exactly - other factors could undoubtedly render this somewhat crude calculation an irrelevance. Restricting the period surveyed to a little over a hundred years following the general assessment of land values of 1366 is perhaps more appropriate, given that some information concerning prices has been assembled for this span of time. In 1366 it was found that the true extent of lands throughout the realm was more or less one-half of the old extent.²²⁴ The weight of the pound Scots was about five and a half times greater in 1366 than after 1470 and victual prices seem to have risen in a manner commensurate with debasement between these dates.²²⁵ Rents might have risen in a similar

223. Grant, Independence and Nationhood, 240.

224. Nicholson, The Later Middle Ages, 175.

225. Grant, Independence and Nationhood, 238-40.

fashion, but on the Dalkeith estates it is likely that the 1470s saw rents standing at scarcely more than double the level of 1366. Even in the principal parts of the earldom of Crawford, north of the Tay, it seems that rents would have been lagging behind the rate of inflation at this time, having increased roughly fourfold since 1366. Whether rents ever caught up with inflation remains to be seen. Debasement did not cease but inflation seems to have been minimal in Scotland during the first half of the sixteenth century,²²⁶ after which time it is likely that the new extent has little use as a guide to rent levels.²²⁷ What does appear to be true is that at least three magnates of the later fifteenth century were suffering from a fall in the real value of the basic element of their income. Explaining this may require reference to more than just the long-term demographic effects of the Black Death, but it seems clear enough that there was, on the whole, competition for tenants rather than for tenancies. A golden age for the Scots peasantry appears quite likely. Any response by secular landlords to this state of affairs was probably ponderous. There is no indication that the royal lead in the introduction of feu-farm tenure and grassum-yielding tacks was yet being followed on any scale, nor of any return to victual rents - which had intrinsic value and were virtually proof against inflation. The only significant

226. Wormald, Court, Kirk and Community, 45, 53.

227. If, as the example of the Crawford estates shows, the current extent of the early 16th century was still in use as the new extent quoted in the 17th century, then the reassessing of extents in accordance with actual value must have ceased at some point in between.

development seems to have lain in wadset and the short-term expedient of selling land.²²⁸ The less innovative response - that of increasing rents for one-year leases in accordance with inflation - was evidently out of the question, for the mere hint of husbandmen's resentment was sufficient to prevent rack-renting.²²⁹

228. R.G. Nicholson, 'Feudal Developments in Late Medieval Scotland', JR, xviii (1973), 9-11; B.E. Crawford, 'The Earls of Orkney-Caithness and their Relations with Norway and Scotland, 1158-1470' (St. Andrews University, Ph.D. thesis, 1971), 292. Sale and wadset may both have raised around 20 times the yearly value of the lands: K.B. McFarlane, The Nobility of Later Medieval England (Oxford, 1973), 57.

229. Nicholson, The Later Middle Ages, 434-5; Grant, Independence and Nationhood, 87.

CHAPTER SEVEN

CONCLUSION

A total of fifty-three attested writs of David, earl of Huntingdon (1152-1219) produced a total of thirty-nine persons, excluding clerks, chaplains and other household functionaries, who were each named as witnesses on four or more occasions.¹ Twenty of these men who witnessed on six or more occasions were classed as belonging to the earl's 'inner circle'. Thirty-five attested writs of Archibald, fourth earl of Douglas (1400-24), yielded the names of nineteen laymen who were witnesses on at least four occasions.² Among forty-nine attested writs issued by or in the presence of David, fifth earl of Crawford, the names of only eight lairds, representing six lairdly families, and three squires who witnessed on four or more occasions could be found. The comparison may be crude - the earls of Huntingdon and Douglas were undoubtedly men of greater wealth, power and prestige than Crawford - but it is worth making. The comparison does not involve important differences in the number of writs, the span of years over which they were issued, or any judgement upon the status of the witnesses; it is simply the number of regularly attending lay witnesses which is being compared. A similar dominance of a small number of men can be seen in the witness-lists of writs of the duke of Albany and the earl of Morton - albeit from smaller collections of documents. Even using a less demanding minimum of three attestations to distinguish the 'inner circle' of these two affinities it is not possible to produce the names of more than four lairds and three squires associated with

1. Stringer, Earl David of Huntingdon, 156-7.

2. Grant, 'The Higher Scottish Nobility', 35, 336.

Albany and two lairds or lairdly families and nine squires associated with Morton. This may be no more than a reflexion of the fact that the earls of Huntingdon and Douglas were peripatetic whereas Crawford, Morton and Albany were sedentary. More positively it might demonstrate the emergence of magnatials councils as, in their non-judicial capacity at least, bodies of fairly fixed membership, drawn in the main from a basic pool of councillors and augmented from time to time by others drawn from the outer reaches of the affinity. What seems likely in any event is that the bounds of the 'inner circles' of these later fifteenth-century affinities were tightly pulled in by comparison with those of earlier times. This automatically casts attention on to their far more sketchily attested 'outer circles' - on to men whose record of attendance would not have qualified them for consideration as parttakers in the studies undertaken of twelfth- and thirteenth-century Scoto-English magnates.

Some effort has been made to deal with these 'outer circles'. It is obviously unrealistic to treat every individual who was ever in the presence of a given lord as that lord's man. It is as much a mistake to apply to these three examples from the later fifteenth century the same rigorous standards used to good effect with affinities in existence two to three hundred years earlier, whereby all those failing to witness three or four writs are discarded as insignificant.³ Coping with a large number of individuals with modest records of attendance is made easier by the existence of a range of evidence beyond the writs issued by a given magnate. This allows the attestation of one or two writs to be transformed in some cases into clear evidence of a

3. Stringer, Earl David of Huntingdon, 155 ; Simpson, 'The Familia of Roger de Quincy', 107.

genuine relationship. Thus, for example, are the attestations by John Dempster of Auchtermless of a mere two charters given by the fifth earl of Crawford illuminated by the records of one of parliament's judicial committees and by the laird's reservation of his service to the earl when doing homage to the bishop of Brechin, and the one instance of attendance by the laird of Affleck upon the same earl given substance by evidence of his manrent. Even non-witnesses can be revealed as parttakers from evidence beyond a lord's own writs - the laird of Belton was not in attendance upon the duke of Albany on any recorded occasion, but he was plainly the duke's steward of March. In addition there is scope for discounting as parttakers a large proportion of those who are known to have been in a lord's presence just once or, less often, twice. The entire town council of Edinburgh as witnesses of two Crawford writs given in Edinburgh is merely one particularly obvious example of this. Nevertheless, there remains the major difficulty that plausible indication, let alone proof, of the absence of a connexion between a given individual and a lord is not regularly available. It is easy enough to be sure of the composition of the core of the affinity, but less easy to be certain of its outer reaches.

Too exacting standards may have been employed in the foregoing. The lairdly 'outer circles' of the three magnates at any given point in their lives have been confined to between ten and fifteen for Crawford and to between five and ten for Morton and Albany. The higher figures may be multiplied by at least two to provide the total number of lairds with whom each is known to have had some contact and who cannot be eliminated from enquiries, during the whole of their adult lives. Whether their lordship ever

extended to twenty and more lairds of an 'outer circle', and, more particularly, whether the attestation of a single writ is sufficient evidence of that touchstone of service - the giving of counsel - must remain in doubt. Evidence of divided loyalty on the part of members of the core of an affinity is confined in the present work to the cases of Sir John Douglas and James Gifford of Sheriffhall, respectively the apparent heir and the principal lairdly associate of the first earl of Morton, both of whom drifted into the orbit of the duke of Albany in 1482-3. Insufficient attention has been paid to the possibility of divided loyalty in the outer reaches of an affinity, principally because no two magnates have been selected whose spheres of influence were adjacent or interlocking. Some illumination of where the loyalties of certain peripheral figures truly lay - if, indeed, they were actually oriented in a single direction - would probably be discovered through the comparison of neighbouring magnates' affinities. It is evident, by way of example, that Malcolm Guthrie of Kingennie, David Ogilvy of that ilk and Alexander Lovell of Ballumbie were not solely concerned to serve the fifth earl of Crawford, for all can be found accompanying or acting for the earl of Angus on occasions in the 1470s.⁴

If the available evidence is not asked to perform beyond its capabilities, the impression left by these three affinities is of administrative organizations coupled with narrowly-based mutual benefit clubs rather than of instruments of comprehensive regional authority. They were, however, strongly regional in character, with formal ties of tenancy and kinship enjoyed by those beyond

4. Laird Chrs., nos. 165, 169-70.

the chief sphere of influence seldom counting for much, except so far as the administration of outlying properties was concerned. Within the chief sphere of influence the formal ties by which lords and men were attached were varied. Tenancy, bonds and kinship all played a part, but it remains difficult to show that any of these ties could automatically produce affinity.

Of the large array of tenants which, by the late fifteenth century, any magnate would inherit - an array whose size can at present only be hinted at with reference to scraps of information like that showing the massive preponderance of tenantry within the parts of the lordship of Dalkeith lying in Lothian - it seems clear enough that only a small proportion would take an active interest in the affairs of their feudal superior. To say that around forty per cent of the attestations by laymen of the charters of the earls of Crawford and Morton can be attributed to tenants-by-patrimony is no contradiction of this. That such a proportion should obtain in regions where the tenurial lordship of these earls was concentrated can be seen as no more than a statistical probability. Besides, in both cases men regarded as the earls' kinsmen were responsible for around eighty-five per cent of the attestations, and as a result the effect of the feudal contract in producing affinity is impossible to separate from the effect of kinship. Undoubted tenants of the duke of Albany account for less than a quarter of lay attestations of his charters. Since kinship is substantially irrelevant in the duke's case and, short of the use of bonds of manrent, tenancy was the only formal tie available to him, such a proportion may be a more suitable indication of the significance of tenure-based service. Even so, it is impossible to prove

that any of the attesting tenants were in the company of any of these lords because of their tenancy.

Kinship was almost certainly a stronger force in determining the make-up of an affinity. Kinsmen of the grantor were responsible for at least fifty-one per cent of all attestations of Morton's charters and at least forty-four per cent of all attestations of Crawford's. Even the duke of Albany could find some reason for regarding as kinsmen certain individuals who contributed twenty per cent of the attestations of his charters. It is not, however, clear that agnatic kinship was yet dominant. Excluding Morton's two sons, agnates of the earl - namely Hugh Douglas of Borgue and his brother - contributed four out of the total of 184 charter attestations. The other kinsmen whose names populate the witness-lists of his charters were all cognates - principally his maternal uncles and cousins, the Giffords. The eight agnates - or at least bearers of the surname Lindsay - who witnessed charters of the earl of Crawford represent a rather larger group, but it is evident that cognates account for more than three-quarters of the attestations of his charters by kinsmen. Nevertheless, it seems improbable that cognatic kinship was truly the guiding force behind even a majority of the lord-man relationships for which it was invoked. It was undoubtedly a consideration in the association between the Giffords and the earl of Morton, but it might be wondered whether it was any more important than past service to the lords of Dalkeith and the fact that the lands of Sheriffhall lay a stone's throw from the policies of Dalkeith Castle. In many other cases it seems likely that cognatic kinship was merely

being called upon to give additional substance to - or even to justify - an existing relationship. This is probably true of Crawford and Thomas Ogilvy of Clova, Thomas Fotheringham of Powrie, the Guthries of that ilk and James Crichton of Ruthven; of Morton and William Borthwick, Mark Dunbar and Archibald Todrick; and of Albany and the Homes of that ilk and the Liddells of Halkerston. In other cases kinship seems to have been brought into play at the commencement of a relationship: it was cited in connexion with Crawford's bonds with Walter Carnegie of Kinnaird and John Affleck of that ilk and mentioned around the time at which Albany made bonds with the earl of Angus and Lord Gray.

In so far as five of the nine bonds of manrent known to have been given to the earls of Morton and Crawford were given by cognates, another three were given by geographically distant agnates and eight were given by lairds, there is evident conformity with some of the general principles identified as lying behind the bond.⁵ In other respects, however, they appear somewhat idiosyncratic. Eight of the bonds were given for tangible considerations.⁶ Six or seven were designed to neutralize existing disaffection rather more than to create affinity;⁷ evidence of a successful lord-man relationship following these bonds is slight or non-existent, and in the case of James Gifford of Sheriffhall an existing relationship came to an abrupt halt within months of his giving a bond. Bonds of manrent were on occasion used to bring disputes to a conclusion but, far from being 'exactied by the victor from the loser'⁸ precisely the reverse was true of the bonds given by the laird of Affleck

5. Brown, 'Bonds of Manrent', 154-82.

6. Ibid., 54.

7. Ibid., 183-201.

8. Grant, Independence and Nationhood, 141.

to Crawford and by the lairds of Sheriffhall and Mannerston to Morton. Bonds of manrent, if such they were, given to Albany in 1482-3 can only have been obtained with a view to assembling support at a time of political crisis.

There is thus reason to doubt whether tenancy retained in the later fifteenth century the importance which it enjoyed at the century's beginning. There is also reason to doubt whether bonds of manrent and agnatic kinship had yet taken over as the key factors in the construction of affinities. This may help to shed some light upon the apparently restricted nature of these three affinities - the notable reliance of each of the three magnates upon a small and irregularly augmented caucus. If ties which carried with them some degree of obligation were not being developed a lord's prospects of obtaining service from a wide range of individuals and thereby ensuring that his affinity dominated a region were bound to be restricted. For one thing there could be no recourse to material patronage on a large scale.

The importance of material patronage to the three affinities - or to their 'outer circles' at least - was negligible. Those who merited reward seem normally to have been bearers of office and men whose service to the lord is comprehensively attested. All of Crawford's 'inner circle' of lairds and at least some of the men closest to Morton and Albany received something, if not always a great deal, in recognition for their efforts. It would be naive to suppose that the hope of eventual gain was entirely absent from the minds of men who entered a lord's service with the intention of devoting large parts of their time and energy to his affairs. These rewards were, however, clearly given after an

inclination to serve had already been demonstrated. The 'purchase' of parttakers by awarding lands or money in advance of service was probably extremely unusual - excepting the curious selection of bonds of manrent given to the earls of Crawford and Morton, the circumstances of which may have necessitated some form of tangible gift. For those in the 'outer circles', unless incidental payments were given in return for incidental services - a matter upon which there seems to be no information - tangible reward can rarely have been a consideration.

The economic background helps to show why this should have been so. Had the magnates been blessed with sufficient surplus wealth, they might have chosen to resolve the difficulties consequent upon the wholesale restructuring of the higher nobility during the fourteenth and fifteenth centuries quite simply in the first instance by the extensive use of bonds and fees. This sort of approach, which was the norm in England, where fragmented estates and honorific lordships also prevailed, until the third quarter of the fifteenth century, was plainly not possible. To over-simplify, during the later middle ages the higher nobilities of Scotland and England were of much the same size - between fifty and sixty strong.⁹ By comparison, it seems fair to say, the landed resources of the two realms stood in the ratio of around 1:6 in favour of England.¹⁰ Even allowing for a larger and better-off body of gentry in England it seems probable that the natural leaders of local society in Scotland were bound to carry out their allotted function without the level of financial backing enjoyed by English magnates. In strictly numerical

9. Grant, Independence and Nationhood, 121-2; Lander, Crown and Nobility, 1450-1509, 14.

10. Grant, Independence and Nationhood, 72-73.

terms the incomes of Crawford, Morton and Albany were little different to the incomes of a large proportion of their English counterparts, but by the later fifteenth century a greater rate of currency debasement had left Scots coin with a value one-third that of English coin. Worse, real incomes were continuing to trail in the wake of inflation. In consequence, even though the incomes of Scots magnates were virtually tax-free, the assertion of their status and the exercise of lordship had to be undertaken with limited recourse to material patronage. This was not simply a matter of eschewing fee'd bonds - in England indentures involving annuities were fairly closely connected with military service, and were generally replaced by indentures involving only 'good lordship' once military service had ceased to be pertinent;¹¹ in fifteenth-century Scotland military service was something of an irrelevance and fees, by analogy, would normally have been inappropriate. It was more generally a matter of avoiding material patronage of any sort except in the cases of the most deserving.

Maintenance, the affording of assistance and protection by a lord, was the only practical form of patronage which could extend to a large 'outer circle' as well as a small 'inner circle'. It is manifest in the development and use of bonds of manrent and maintenance from the middle of the fifteenth century. Its social context is patent, although its economic context perhaps merits a little more recognition - it was intangible and therefore, in theory, cost nothing. Whether maintenance could effectively be given without incurring some expense seems highly unlikely, but it did at least involve no long-term damage to finite resources.

11. Dunham, Lord Hastings' Retainers, 53.

It was undoubtedly the prospect of receiving maintenance which above all other considerations drew men to the three lords examined. It has been made clear elsewhere that maintenance was what parttakers chiefly required;¹² conveniently, it was maintenance that lords were capable of supplying. In addition, in the absence of satisfactory indications that kinship and tenancy had the automatic consequence of a lord-man relationship, maintenance is the one possible basis upon which the examined affinities could have been built which remains. An explanation of the shortage of evidence showing that promises of maintenance or manrent - the latter implying the giving of the former - exchanged between these three magnates and their men were being committed to paper is probably not essential. One possibility is that the known bonds are merely the tip of the iceberg - that others, more typical of the wider body of bonds of manrent and maintenance were given and received, and that these neither survive nor are mentioned. Another possibility is that for the attraction of parttakers Crawford, Morton and Albany relied, barring exceptional circumstances, merely upon their ability to afford maintenance, without recourse to formal statements of their intention to supply and defend their men. In either case the result is the same. Magnatial power cannot be equated with magnatial wealth, but it should be equated with the capacity to maintain. Deficiency and sufficiency in magnatial affinities would therefore be proportionate to the efficacy of the lord's maintenance, and if the three affinities examined are correctly assessed as a trifle threadbare it would follow that the powers of maintenance of the

12. Brown, 'Bonds of Manrent', 201-9.

three magnates were not adequate.

Put another way, it was more the man who chose his lord than vice versa once the replacement of provincial lordships by honorific lordships had blurred the bounds of spheres of influence. A bond of manrent was given because the laird who gave it perceived that he would benefit thereby. The same is true of any man who attached himself to a lord, whether by any formal means or tacitly. The man had to be satisfied that his goodwill, support and service would be reciprocated. In consequence, the bond of manrent, or any observable lord-man relationship must be taken as a token of rather than an addition to a lord's powers; a lord acquired most of his parttakers because he was powerful, and not because he sought to be powerful. Since powers of maintenance were most manifest where the affinity was large and effective, it follows that the development of regional authority through the development of the affinity was bound to be slow - all other things being equal.

All other things did not have to be equal. An extensive agnatic kin-group that was geographically concentrated and not, as in Morton's case, fragmented by inheritance disputes could probably provide a solid platform upon which to build. That the earl of Crawford should have had limited success in assembling the Lindsay cadets in Angus and eastern Perthshire need not deny the basic principle. Other matters can be seen as tipping the balance in a given magnate's favour. By deduction the earl of Crawford saw tenure of the sheriffship of Forfar as a major boon; he knew perfectly well that losing the sheriffship was a serious setback. The resentment expressed in the notarial instrument which he had made upon his enforced resignation of the office reveals both his dependence upon maintenance and his need

for a means by which maintenance could be exercised. Morton and Albany had no need of judicial power, but the latter at least saw a need for a further source of maintenance and was prepared to act as a focus for border raiding and risk his brother's wrath in order to acquire one.

The implications of this for the transmission of royal authority to the locality are not absolutely clear. No doubt if royal authority had been transmitted with comprehensive success the central courts would have left very little record of their sittings, but to pass a judgment upon the quantity of work with which they were burdened is not feasible. There is at least no sign that the magnates of the later fifteenth century were ill-fitted for looking after their own concerns - the magnatial affinity was designed, in the first instance, for the administration and preservation of the magnate's own estates and rights, and this was a task it was comfortably able to perform. That the duke of Albany was able after a three-year exile to collect his rents and export his wool surely reflects the efficiency and loyalty of his administrative organization.¹³ That the earl of Morton ultimately failed to browbeat the laird of Mannerston into submission over the terms of his tenure reflects the laird's persistence and the efficacy of royal justice rather than the failure of the affinity, which plainly rallied to defend its lord's interests. For the affinity to go further and represent the dominant social force within a clearly-defined sphere of influence probably required rather longer in most cases than a few decades following the completion of the upheavals within the ranks and institutions of the higher nobility. Perhaps some magnates - the earls of

13. ER, ix, 213, 431-2.

Argyll and Huntly are most frequently cited as examples -- exercised comprehensive regional authority before the end of the fifteenth century. These earls were not, however, the alpha and the omega of the Scottish nobility; for many others the spheres of influence had probably yet to be fully defined, let alone become fully populated with their adherents.

APPENDICES¹TABLE 1a. WITNESSES OF CHARTERS GIVEN 1464-70 BY DAVID, FIFTH EARL OF CRAWFORD

| | 1) 22 Jan. 1463/4 | 2) 26 Feb. 1463/4 | 4) 31 Mar. 1466 | 5) 27 Sep. 1466 | 6) 6 Apr. 1467 | 7) 21 Aug. 1467 | 8) 11 Aug. 1468 | 10) 28 Nov. 1468 | 11) 20 Aug. 1469 | 12) 9 Mar. 1469/70 | 13) 3 Jul. 1470 | 14) 2 Oct. 1470 | No. of attestations per witness |
|---|-------------------|-------------------|-----------------|-----------------|----------------|-----------------|-----------------|------------------|------------------|--------------------|-----------------|-----------------|------------------------------------|
| Master George Abernethy | X | X | | | | | | | | | | | 2 |
| William Auchterlonie of that ilk | | | X | | | | | | | | | | 1 |
| Andrew Stewart, Lord Avondale | | X | | | | | | | | | | | 1 |
| Master Andrew Bell | | | | X | | | | | | | | | 1 |
| James Cairncross | | | | | | X | | | | | | | 1 |
| Richard Clark | | | | | | | | | | | | X | 1 |
| Patrick Col3bouryn | | | | | | | | X | | | | | 1 |
| David Dempster of Carston | | | X | | | | | | | | | | 1 |
| John Dempster of Auchterless | | | | | | | | | X | | | | 1 |
| sir James Dickson | | | | | | X | | | | | X | | 2 |
| sir Alexander Forfar, NP | | | | | | | X | | | N | | | 1 |
| Sir Alexander Forrester of Corstorphine | | X | | | | | | | | | | | 1 |
| David Fotheringham of Powrie | | | X | X | X | | | | | | | | 3 |
| Thomas Fotheringham of Powrie | X | | | | | | X | X | X | X | X | X | 7 |
| Gavin Graham | | | | | | X | | X | | | | | 2 |
| Master Nicholas Graham, NP | X | X | | X | | | | | | | | | 3 |
| Master David Guthrie of that ilk | | | X | X | | | X | | | | | X | 4 |
| James, Lord Hamilton | | | | | | | | | | | | X | 1 |
| Sir Robert Hamilton of Preston | | | | | | | | | | | | X | 1 |
| Walter Stewart, Lord Innermeath | | | | | | | | X | | | | | 1 |
| Alexander Kennedy | X | | | | | | | | | | | | 1 |
| John Langlands | | | | | | | | X | | | | | 1 |
| sir David Lauderdale | | | | | | | | | | | | X | 1 |
| Alexander Lindsay of Auchtermoonzie | | | | | | | | | X | | | | 1 |
| Master James Lindsay of Covington | | X | | | | | | | | | | | 1 |
| Master James Lindsay, chanter of Moray | | | | | X | | | | | | | | 1 |
| Philip Lindsay of the Haugh | | | | X | | | X | | X | | | | 3 |
| Robert Lindsay | | | | | | X | | | | | | | 1 |
| Alexander Lovell of Ballumbie | | | | | | | | | | X | | | 1 |
| John Moncur | | | | | | X | | | | | | | 1 |
| Thomas Ogilvy of Clova | | | X | | X | X | | X | X | | X | | 6 |
| Henry Ramsay of Newtibble | | | | X | | | | | | | | | 1 |
| James Kennedy, bishop of St Andrews | X | | | | | | | | | | | | 1 |
| Sir Walter Scott of Kirkurd | X | | | | | | | | | | | | 1 |
| Master Gilbert Tyrie | | | | | | | | X | X | X | | X | 4 |
| John Waugh, NP | | | | | | | | X | | | | | 1 |
| No. of witnesses per charter | 4 | 7 | 5 | 5 | 4 | 7 | 4 | 8 | 4 | 5 | 3 | 7 | |

1. Tables I-V are intended to show instances of attestation ('X').
The writer of a document is occasionally shown, where
authorship is stated, providing he was also a witness ('XN'),
or a witness on some other occasion ('N').

TABLE 1b. WITNESSES OF CHARTERS GIVEN 1471-90 BY DAVID, FIFTH EARL OF CRAWFORD

| | 15) 4 Mar. 1470/1 | 17) 3 Apr. 1472 | 18) 2 Sep. 1472 | 19) 6 Aug. 1473 | 20) 25 Apr. 1474 | 22) 16 Nov. 1474 | 23) 1 Sep. 1475 | 24) 29 Jan. 1476/7 | 27) 30 July 1479 | 28) 11 July 1480 | 29) 16 July 1481 | 30) 6 July 1482 | 31) 7 Mar. 1482/3 | 32) 12 May 1485 | 33) 22 June 1486 | 34) 9 July 1486 | 36) 31 July 1487 | 37) 20 Oct. 1488 | 38) 25 Feb. 1489/90 | 39) 6 Mar. 1489/90 | 40) 16 June 1490 | No. of attestations per witness |
|---------------------------------------|-------------------|-----------------|-----------------|-----------------|------------------|------------------|-----------------|--------------------|------------------|------------------|------------------|-----------------|-------------------|-----------------|------------------|-----------------|------------------|------------------|---------------------|--------------------|------------------|---------------------------------|
| Gavin Affleck | | | | | | | | | | | | | | | X | | | | | | | 1 |
| Master Henry Barry, NP | | | | | | | | | | | | | | | | | X | | | | | 1 |
| Walter Bertram | | | | | | | | | | X | | | | | | | | | X | | | 1 |
| John Balfour, bishop of Brechin | | X | | | | | | | | | | | | | | | | | | | | 1 |
| Robert Brown | | X | | | | | | | | | | | | | | | | | | | | 1 |
| Master George Carmichael | | | | | X | X | | | | X | | | | | | | | | | | | 1 |
| George Carmichael | | | | | | | | | X | X | X | | | | | | X | | | X | | 3 |
| Master Henry Carmichael | | | | | | | | | | | | | | | | X | | | | | | 1 |
| John Carmichael of Meadowflat | | | | | X | | | | | X | | | | | | | | | | | | 1 |
| William Carmichael | | | | | | | | | | | | | | | | | | | | X | | 1 |
| James Crichton of Ruthven | | | | | | | | X | | | | | | | | | | | | | | 1 |
| John Dempster of Auchterless | | X | | | | | | | | | | | | | | | | | | | | 1 |
| sir James Dickson | | X | | | | | | | | | | | | | X | | | | | | | 1 |
| Sir James Douglas | | | | | | | | | X | | X | | | | X | | | | | | | 2 |
| Sir Alexander Dunbar of Westfield | | | | | | | | | | | | | X | | | | | | | | | 3 |
| David Eyme | | X | | | | | | | | | | | | | | | | | | | | 1 |
| Robert Falconer | | X | | | | | | | | | | | | | | | | | | | | 1 |
| sir Alexander Forfar, NP | | | | | | | | | | | | X | | | | | | | | | | 1 |
| Master David Fotheringham | | | | | X | | | | | | | | | | | | | | | | | 1 |
| David Fotheringham | | | | | X | | | | | X | | | | | | | | | | | | 2 |
| Thomas Fotheringham of Powrie | X | X | X | X | X | X | X | | X | X | | X | | | | | X | X | X | X | | 14 |
| David Glen | | | | | | | | | | | | | | X | | | | | | | | 1 |
| Sir Alexander Guthrie of that ilk | | | | | | | | | | | | | | | | X | X | X | X | X | X | 6 |
| John Halkerston | | | | | | | | | | | | | | | | | | | X | | | 1 |
| Walter Stewart, Lord Innermeath | X | | | | | | | | | | | | | | | | | | | | | 1 |
| James Innes of that ilk | | | | | | | | | | | | | X | | | | | | | | | 1 |
| George Gordon, earl of Huntly | | | | | | | | | | | | | X | | | | | | | | | 1 |
| sir George Jackson | | | | | | | | | | | | | | | | | | | | X | | 1 |
| Herbert Johnstone | X | | | | | | | | | | | | | | | | | | | | | 1 |
| John Langlands | X | X | X | | X | | | | | | | | | | | | | | | | | 4 |
| sir David Lauderdale, NP | | | X | | | | | | | | | | | | | | | | | | | 1 |
| Sir Alex. Lindsay of Auchtermoonzie | | | | | | | X | | | X | | | | | X | | X | X | | | | 5 |
| Alexander Lindsay of Dunrod | | | | | X | | | | | | | | | | | | | | | | | 1 |
| Master Henry Lindsay, NP | | | | | | | | | | | X | X | X | | | | | | | | | 3 |
| Master James Lindsay, dean of Glasgow | | | | | X | | | | | | | | | | | | | | | | | 1 |
| Philip Lindsay of the Haugh | | | | X | X | | | | | | | | | | | | | | | | | 2 |
| Patrick Lumsden | | | X | | | | | | | | | | | | X | | | | | | | 2 |
| Master John Lyon of Courtestown | | | | | | X | | | | | | | | | | | | | | | | 1 |
| George Mercer | | | | | | | | | X | | | | | X | | | X | | | | | 3 |
| Master John Mitchelson | | | | | | | | | | | | | | | | | | | | X | | 1 |
| Walter Moncur of Knapp | | | | | | | | | | | | | | | | | | | | X | | 1 |
| John Murray | | | | | | | | | | | | | | | | | | | | X | | 1 |
| Thomas Ogilvy of Clova | | | | X | | | X | | | | | | | | | | | | | | | 2 |
| Walter Ogilvy of Auchleven | | | | | X | | | | | | | | | | | | | | | | | 1 |
| William Ogilvy, chancellor of Brechin | | X | | | | | | | | | | | | | | | | | | | | 1 |
| William Tulloch, bishop of Orkney | | | | | X | | | | | | | | | | | | | | | | | 1 |
| William Ruthven of that ilk | X | | | | | | | | | | | | | | | | | | | | | 1 |
| sir Alexander Scott | | | | | | | | | | | | | | X | | | X | X | X | | | 4 |
| George Shirras, chanter of Brechin | | X | | | | | | | | | | | | | | | | | | | | 1 |
| Robert Shirras, NP | | | | | | | | | | | | | | | X | | | | | | | 1 |
| sir Thomas Shorthouse | | | | | | | | | | | | | | | | | | | X | | | 1 |
| sir Henry Strachan, NP | | | | | | | | | | | | | | | | | | X | | | | 1 |
| Master Gilbert Tyrie | X | X | X | | X | X | | | X | X | X | X | X | | X | X | X | X | X | | | 16 |
| John Waugh, NP | | | | | | | | | X | | | | | | | | | | | | | 1 |
| No. of witnesses per charter | 6 | 11 | 5 | 3 | 10 | 6 | 3 | 15 | 5 | 8 | 4 | 4 | 5 | 5 | 4 | 5 | 6 | 5 | 8 | 7 | 5 | |

LIST OF CHARTERS OF DAVID LINDSAY, FIFTH EARL OF CRAWFORD,¹ AND KEY TO TABLES Ia & b.

| <u>Recipient:</u> | <u>Source:</u> | <u>Place of Issue:²</u> |
|---|--|-------------------------------------|
| 1. Margaret Dunbar, countess of Crawford, the earl's mother | <u>RMS</u> , ii, no. 776 | Edinburgh |
| 2. Herbert Johnstone of Dalabank | <u>RMS</u> , ii, no. 786 | Edinburgh |
| 3. Walter Lindsay of Beaufort | NLS, Acc. 5474, bundle 59 | x 14 Sept. 1465 |
| 4. Alexander Rhind, son of James Rhind of Broxmouth | <u>RMS</u> , ii, no. 1028 | Dundee |
| 5. Walter Lindsay of Beaufort, the earl's paternal uncle | Rylands, Crawford, box E | Arbroath Abbey |
| 6. Patrick Blair, burgess of Perth | <u>RMS</u> , ii, no. 972 | Dundee |
| 7. Walter Lindsay of Beaufort, the earl's paternal uncle | Rylands, Crawford, box E ³ | Meigle |
| 8. Thomas Ogilvy of Clova | SRO, GD 16/12, nos. 5 & 6; <u>RMS</u> , iii, no. 693 ⁴ | Dundee |
| 9. David Lindsay of Baikie, son of David Lindsay of Lethnot and Margaret Fenton | <u>RMS</u> , ii, no. 1420 | Dundee. 28 June.... ⁵ |
| 10. David Lindsay, son and apparent heir of David Lindsay of Lethnot | SRO, GD 16/13, no. 5 | Edinburgh |
| 11. (Inspection of two charters by Walter Ogilvy of Uras to) Marjory Ogilvy, countess of Crawford, the earl's grandmother | Rylands, Crawford, box B, no. 46/1 | Brechin |
| 12. Walter Lindsay of Beaufort, the earl's paternal uncle | Rylands, Crawford, box E | Dundee |
| 13. Robert Rollo, burgess of Dundee | SRO, GD 121/3, bundle 16 | |
| 14. William Guthrie | <u>RMS</u> , ii, no. 3575 | Edinburgh |
| 15. Walter Lindsay of Beaufort and Isobel (Livingston) his spouse ⁶ | Rylands, Crawford, box E | Edinburgh |
| 16. Thomas Ogilvy of Clova | NRA, survey no. 145 | Dundee 25 Apr. 1471 |
| 17. Chaplains in the choir of Brechin Cathedral | <u>Brech. Reg.</u> , ii, 114-15 | Brechin |
| 18. Master David Guthrie of that ilk | <u>RMS</u> , ii, no. 1078; Kirkbuddo Inventory, 12-13 | Edinburgh |
| 19. (Inspection of charter by Walter Ogilvy of Uras to) William Bonnar of Rossie | SRO, RH/6, no. 441c | |
| 20. A chaplain in the parish kirk of Meigle | <u>RMS</u> , ii, no. 1169 | Edinburgh |
| 21. Sir James Ogilvy of Deskford | <u>RMS</u> , ii, no. 1184 | x 13 Oct. 1474 ⁷ |
| 22. James Hamilton of Shawfield and Elizabeth Lindsay his spouse | <u>HMC Reg.</u> , xv, App. part viii, 64-65 | Edinburgh |
| 23. Sir David Lindsay, the earl's cousin, son and heir of the late Walter Lindsay of Beaufort | Rylands, Crawford, box E | Dundee |

| <u>Recipient:</u> | <u>Source:</u> | <u>Place of Issue:</u> |
|--|---|--------------------------|
| 24. Walter Bertram, burgess of Edinburgh, and Elizabeth (Cant) his spouse ⁸ | <u>RMS</u> , ii, no. 1391 ⁹ | Edinburgh |
| 25. Walter Bertram, burgess of Edinburgh, and Elizabeth (Cant) his spouse ⁸ | <u>RMS</u> , ii, no. 1391 ⁹ | Edinburgh 4 Nov. 1477 |
| 26. (Inspection of charter by Walter Ogilvy of Ures to) William Bonner of Rossie | SRQ, RH/6, no. 466e | Finavon 23 May 1477 |
| 27. (Inspection of charter by David Annand of Auchterellon to his son and apparent heir) Henry Annand | SRQ, GD 33/30, no. 1 | Dundee |
| 28. James Crichton of Ruthven and Agnes Hepburn, his spouse | <u>RMS</u> , ii, no. 1148 ¹⁰ | Edinburgh |
| 29. Thomas Fotheringham of Powrie | SRQ, GD 121/3, bundle 26; <u>RMS</u> , ii, no. 1497 | Edinburgh |
| 30. Thomas Ogilvy of Clova | <u>RMS</u> , ii, no. 1522 | Dundee |
| 31. (Inspection of charter by Henry Annand, son and apparent heir of David Annand of Auchterellon to) Patrick Gordon of Methlick | SRQ, GD 33/30, no. 5 | Edinburgh |
| 32. A chaplain at the altar of St Catherine in Brechin Cathedral | <u>Brech. Req.</u> , i, 210-12 | Finavon |
| 33. Alexander Lindsay of Auchtermoonzie, the earl's brother | <u>RMS</u> , ii, no. 1691 | Dundee |
| 34. Thomas Fotheringham of Powrie | SRQ, GD 121/3, bundle 12; <u>RMS</u> , iii, no. 1489 | Dundee |
| 35. Steven Lockhart | <u>RMS</u> , ii, no. 1711 | Arbroath 30 Aug. 1486 |
| 36. Alexander Lindsay of Auchtermoonzie, the earl's brother | <u>RMS</u> , ii, no. 1691 | Dundee |
| 37. Margaret Carmichael, countess of Crawford, the earl's spouse | <u>RMS</u> , ii, no. 1795 | Edinburgh |
| 38. William Carmichael, son and apparent heir of John Carmichael of Meadowflat | <u>RMS</u> , ii, no. 1940 ¹¹ | Edinburgh |
| 39. Sir Alexander Lindsay of Auchtermoonzie, the earl's brother | <u>RMS</u> , ii, no. 1938 | Edinburgh |
| 40. William Carmichael (son and apparent heir of John Carmichael of Meadowflat) | <u>RMS</u> , ii, no. 3389 | Brechin |

1. This is not an exhaustive list; other charters noted in NRA surveys 133 & 145 have not been consulted.
2. This adds the date of issue of charters 8, 15, 20, 24, 25 and 34, which are omitted from Tables Ia and b. These charters were not attested, or else their witnesses are not given in the source cited.
3. The foot of this charter is somewhat damaged, with the name of at least one witness entirely torn off and the title and forename only of one sir John (...) surviving. The liberty has been taken of expanding '...v..' to Gavino and '...rncor(blot)s' to 'Carncores': see ADA, 4. John Moncur may have been sir John Moncur.
4. Of these three versions of the same charter only SRQ, GD 16/12, no. 6 includes the name of Master David Guthrie of that ilk as a witness and gives a description of the boundaries of the land in question.
5. /

footnotes (contd.)

5. The date of this charter, confirmed in 1478/9, is missing, but it is taken to be earlier than charter no. 9. Charters 8 and 9 deal with the same subjects, but in charter 8 tenure by ward was specified, whilst according to Charter 9 the lands were to be held in blench ferm. Reimposition of ward tenure is unheard of.
6. Isobel's surname is supplied from Haigh Inventory, ii, 7.
7. This charter is mentioned briefly as a memorandum in the Register of the Great Seal. The date of the charter is wanting, and the date given is that of its confirmation.
8. Elizabeth's surname is supplied from Prot. 8k, Young, no. 790.
9. Charters 23 and 24, though given on dates more than eight months apart, are recorded as having been witnessed by exactly the same persons, all of whom seem to have been members of the town council of Edinburgh. The later charter and all but one of the witnesses' names from the earlier are omitted from Table Ib.
10. The two charters given to Crichton and his wife on 11 July 1480 have been treated as one; the second was given in warrandice of the first. The witness-lists are, nevertheless, slightly different, with the second omitting the names of George Carmichael and David Fotheringham. The fuller list is used in Table Ib.
11. The two charters given to William Carmichael on 25 February 1489/90, dealing with different subjects in the same barony, have been treated as one. The witness-lists are the same in either case.

TABLE II. WITNESSES OF WRITS GIVEN BY OR IN THE PRESENCE OF DAVID, FIFTH
EARL OF CRAWFORD

| | A) 26 Jan. 1464/5 | B) 26 July 1465 | C) 5 Sept 1465 | D) 13 Oct. 1465 | E) 31 Mar. 1466 | F) 16 Mar. 1466/7 | G) 4 Oct. 1468 | H) 1 Sept 1475 | I) 13 Oct. 1477 | J) 16 Apr. 1478 | K) 17 Nov. 1478 | L) 22 Feb. 1480/1 | M) 25 Nov. 1481 | N) 2 May 1482 | O) 9 May 1486 | P) 29 Oct. 1488 | No. of attestations per witness |
|--|-------------------|-----------------|----------------|-----------------|-----------------|-------------------|----------------|----------------|-----------------|-----------------|-----------------|-------------------|-----------------|---------------|---------------|-----------------|------------------------------------|
| Gavin Affleck | | | | | | | | | X | X | | | | | | | 2 |
| John Affleck of that ilk | | | | | | | | | | | | | X | | | | 1 |
| Colin Campbell, earl of Argyll | | X | | | | | | | | | | | | | | | 1 |
| Andrew Stewart, Lord Avondale | | X | | | | | | | | | | | | | | | 1 |
| Alexander Baldowis | | | X | | | | | | | | | | | | | | 1 |
| Duncan Barry | | | | | | | | | | | | X | | | | | 1 |
| Master Henry Barry, NP | | | | | | | | | | X | | X | N | | N | | 2 |
| Sir Alexander Boyd of Drumcoll | | X | | | | | | | | | | | | | | | 1 |
| Master George Carmichael | | | | | | | | | X | | | | | | | | 1 |
| George Carmichael | | | | | | | | | | X | | | X | | X | | 3 |
| sir David Colston | | | | | | | | | | | | | | | | X | 1 |
| James Crichton of Ruthven | | | | | | | | | X | | | | | | | | 1 |
| sir James Dickson | | | | | | | X | | | | | | | | | | 1 |
| Michael Durham of the Grange | | | | | | X | | | | | | | | | | | 1 |
| sir Alexander Forfar, NP | | | | | | | | | | | | | | | | | 1 |
| David Fotheringham of Powrie | | | | | | X | | | | | | | | | | | 1 |
| David Fotheringham | | | | | | | | | | | X | | X | | | | 2 |
| Nicholas Fotheringham | | | | | | | | | | | | X | X | | | | 1 |
| Thomas Fotheringham of Powrie | | | X | | | | | | X | X | X | | X | X | | X | 7 |
| Patrick Gardyne of that ilk | | | X | | | | | | | | | | | | | | 1 |
| Master Nicholas Graham, NP | X | | N | X | | | | | | | | | | | | | 2 |
| sir Alexander Guthrie | | | | | | | | | | | | | | | | X | 1 |
| Master David Guthrie of that ilk | | | | | X | | | | | | | | | | | | 1 |
| sir David Guthrie | | | | | | | | | | | | | | X | X | | 2 |
| Master David Hamilton | | | | X | | | | | | | | | | | | | 1 |
| John Hamilton of Stanhall | | | | X | | | | | | | | | | | | | 1 |
| sir James Henshaw | | | | X | | | | | | | | | | | | | 1 |
| sir Alexander Inglis, provost of Crichton | | | | | | | | | X | | | | | | | | 1 |
| sir William Innes | | | | | | | | | | | | | | X | | | 1 |
| Matthew Jacket | | | | | X | | | | | | | | | | | | 1 |
| Gilbert, Lord Kennedy | | X | | | | | | | | | | | | | | | 1 |
| Alexander Lindsay (of Haugh) | | | | | | | | | | | | | | (X) | | | 1 |
| Sir Alexander Lindsay of Auchtermoonzie | | | | | | | X | | | | | | | | | | 1 |
| David Lindsay of Lackaway | | | | | | | | | | X | | | | | | | 1 |
| Master Henry Lindsay, NP | | | | | | | | | | | X | | | | | | 1 |
| Master James Lindsay, chanter of Moray | X | | X | | X | | | | | | | | | | | | 3 |
| Master James Lindsay (of Covington) | | | | X | | | | | | | | | | | | | 1 |
| Philip Lindsay of the Haugh | | | X | | X | | X | | | | | | | | | | 3 |
| Walter Lindsay | | X | | | | | | | | | | | | | | | 1 |
| William Lindsay | X | | | | | | | | | | | | | | | | 1 |
| William Livingston | | | | | | | | | X | | | | | | | | 1 |
| Master Andrew Lyle | | | | | | | X | | | | | | | | | | 1 |
| sir Thomas Lyne | | | | | | | | | | X | | | | | | | 1 |
| Master John Lyon of Courtstown | | | | | | | | | | | | X | | | | | 1 |
| Sir Thomas Maule of Panmure | X | | | | | | | | | | | | | | | | 1 |
| George Mercer | | | | | | | | | X | | | X | | X | | | 3 |
| James Mercer | | | | | | | | | | | | X | | X | | | 1 |
| David Ogilvy of that ilk | | | | | | | | | | | | X | X | | | | 2 |
| John Ogilvy of Inverquharitty | | | | | | | | | | | | | X | | | | 1 |
| Thomas Ogilvy of Clova | | | | | X | X | X | | | X | | | | | | | 4 |
| Henry Ramsay of Newtiber | | | | | | | | | | | | X | | | | | 1 |
| James Rhind of Broxmouth | | | | | | | | | | | | X | | | | | 1 |
| sir Alexander Scott | | | | | | | | X | | | | | | | | | 1 |
| sir Henry Scott | | | | | | | | | | | | X | | | | | 1 |
| Robert Shirras, NP | | | | | | | | | | | X | | | | | | 1 |
| Master Gilbert Tyrie | | | | | | | X | | X | X | X | X | | | X | | 6 |
| David Lindsay, earl of Crawford | | X | X | | | | | X | X | | | | | X | | | 5 |

KEY TO TABLE II

| Description | Source | Venue |
|--|-------------------------------|-----------------|
| A. Instrument of resignation by James Blair, burghess of Dundee, in favour of Patrick Blair, burghess of Perth | SRO, RH 6, no. 379B | Dundee |
| B Letters of bailiary to Master James Lindsay and John Lindsay of Covington, his brother and heir | NLS, Acc. 5474, bundle 58 | Edinburgh |
| C Instrument upon the perambulation between Auchterlownie and Forfar | <u>Arb. Lib.</u> , ii, 146 | Auchterlownie |
| D Charter of James, Lord Hamilton, to William Uchtre, burghess of Hamilton | SRO, RH 6, no. 385 | Hamilton Castle |
| E Precept of sasine in favour of Alexander Rhind, son of James Rhind of Broxmouth | NLS, Ch. 5848 | Dundee |
| F Letters narrating an agreement between Crawford and John Affleck of that ilk | <u>RMS</u> , ii, no. 1038 | Affleck |
| G Letters of gift to Thomas Fotheringham of Powrie | SRO, GD 121/3, bundle 4 | |
| H Precept of sasine in favour of Sir David Lindsay of Beaufort | Rylands, Crawford, box E | Dundee |
| I Instrument upon the arbitration between Edward Livingston and William, Lord Crichton | SRO, GD 97/2, no. 29 | |
| J Charter of Silvester Rattray of that ilk to John Rattray and Elizabeth Kennedy, his son and daughter-in-law | <u>RMS</u> , ii, no. 1427 | Dundee |
| K Charter of Marjory Ogilvy, countess of Crawford, to the Friars Minor of Dundee | <u>RMS</u> , ii, no. 1572n | Dundee |
| L Precept of sasine in favour of David Rollo | SRO, GD 121/3, bundle 16 | |
| M Instrument narrating an agreement between Crawford and Thomas Maule of Panmure ¹ | <u>Panm. Req.</u> , ii, 251-2 | Camustane |

1. Six 'older husbandmen of the district' who witnessed the agreement are omitted from the table.

KEY TO TABLE II (Contd.)

| Description | Source | Venue |
|--|--|------------------|
| N Instrument narrating an agreement between Sir David Lindsay of Beaufort and John Annathirdale | Haigh Inventory, ii, 9-10 | |
| D Bond of maintenance to Sir David Lindsay of Beaufort & Precept of sasine in favour of Thomas Fotheringham of Powrie ¹ | Rylands, Crawford, box E SR0, GD 121/3, bundle 12 | Dundee Dundee |
| P Instrument narrating Crawford's protest anent the enforced resignation of the shrievalty of Forfar | Rylands, Crawford, box B, no. 69 | Dundee |

-
1. The witnesses are those of the bond of maintenance, with the addition of Alexander Lindsay, who did not attest the bond. Innes and Guthrie did not witness the precept of sasine, but the remaining persons witnessed both writs.

TABLE III: CHARTERS OF JAMES DOUGLAS, 1ST EARL OF MORTON¹

[illegible]

Notes:

1. No. 10 was given in Edinburgh, all the remainder being given at Dalkeith.
2. The witnesses of no. 3, were, by implication, members of the earl's council: see above, p.33.

KEY TO TABLE III

| <u>Grantee</u> | <u>Source</u> |
|--|---|
| 1. Patrick Graham of Cairnmuir (a confirmation of his charter) | SRO, GD 120/1/2 |
| 2. Patrick Graham, grandson of William Graham of <u>Meskeswra</u> | SRO, GD 150/135 |
| 3. William Brown, son of John Brown of Hartree | SRO, GD 184/13 |
| 4. William Menteith, son of John Menteith of Kerse | NLS, Acc. 3142, vol. i, no. 244. (calendared in <u>Wigtown Charter Chest</u> , no. 244, but wrongly dated). ¹ |
| 5. Alexander Shiel of that ilk | SRO, GD 150/140. |
| 6. Archibald Todrick, burgess of Edinburgh | NLS, MS 72, fo. 18v. ¹ |
| 7. St Martha's Hospital, Aberdour (foundation thereof) | <u>Mort. Req.</u> , ii, 235-8. |
| 8. William Graham of <u>Meskeswra</u> | NLS, MS 72, fos. 118v-119v. |
| 9. Hugh Douglas of Borgue and Christiana (Seton) | <u>Ibid.</u> , fos. 119v-120v. |
| 10. Master Thomas Gifford | SRO, GD 150/175. |
| 11. James Gifford of Sheriffhall and Elizabeth Crichton | <u>Ibid.</u> , 182; NLS, MS 72, fo. 122r-v. |
| 12. William Douglas, son of Hugh Douglas of Borgue | <u>Ibid.</u> , fos. 120v-121r. |
| 13. St Martha's Hospital, Aberdour | <u>Mort. Req.</u> , ii, 238-40 |
| 14. Inchcolm Abbey | <u>RMS</u> , ii, no. 1455. |
| 15. Andrew Brown, son of William Brown of Hartree | SRO, GD 184/19 |

1. No witnesses are given for these charters.

KEY TO TABLE III (contd.)

| <u>Grantee</u> | <u>Source</u> |
|--|---|
| 16. Robert Brown, grandson of William Brown of Hartree | <u>Ibid.</u> , 22. |
| 17. sir William Bell, chaplain | SRO, GD 150/201. |
| 18 St Martha's Hospital, Aberdour | <u>Ibid.</u> , 208. cf. <u>Mort. Req.</u> , ii, 240-3, dated 16 Oct. 1486 |
| 19. Hugh Douglas (of Borgue) and Christiana (Seton) | NLS, MS 72, fo. 121r-v. |
| 20. John Gifford, son of Master Thomas Gifford | SRO, GD 150/214. |

TABLE IV: CHARTERS OF ALEXANDER STEWART, (3rd) DUKE OF ALBANY

| WITNESSES | DATE OF ISSUE | | | | | | | | | | | | | | | | No. of attestations by each witness |
|-------------------------------------|---------------|---------------|------------------|---------------|---------------|---------------|---------------|--------------|--------------|-----------------|------------------|---------------|----------------|----------------|------------------|--------------|--|
| | 1) 5 Apr. 67 | 2) 10 Nov. 67 | 3) 10 Mar. 69/70 | 4) 11 Apr. 70 | 5) 17 July 70 | 6) 24 Aug. 73 | 7) 18 Dec. 75 | 8) 5 Apr. 76 | 9) 6 Nov. 77 | 10) 4 Jan. 77/8 | 11) 23 Mar. 77/8 | 12) 3 Nov. 78 | 13) 22 Apr. 79 | 14) 30 Dec. 82 | 15) 21 Feb. 82/3 | 16) 2 May 83 | |
| Thomas Spens, bishop of Aberdeen | X | | | | | | | | | | | | | | | | 1 |
| Archibald Douglas, earl of Angus | | | | | | | | | | | | | | X | | | 1 |
| Colin Campbell, earl of Argyll | X | | | | | | | | | | | | | | | | 1 |
| Thomas Boyd, earl of Arran | | X | | | | | | | | | | | | | | | 1 |
| Andrew Stewart, lord Avondale | X | | | | | | | | | | | | | | | | 1 |
| Matthew Badenoch, notary public | | | | | | | | | | | | | X | | | | 1 |
| James, Lord Boyd | | | | | | | | | | | | | | | X | | 1 |
| Robert, Lord Boyd | X | X | | | | | | | | | | | | | | | 2 |
| William Brown | | | | | X | X | X | | | | | X | | | | | 4 |
| James Stewart, earl of Buchan | | | | | | | | | | | | | | X | X | | 2 |
| Archibald Carruthers of Mouswald | | | | | | | X | | | | | | | | | | 1 |
| Sir John Chalmers of Gadgirth | X | | | | | | | | | | | | | | | | 1 |
| William Cockburn of Newhall | | X | | | | | | | | | | | | | | | 1 |
| William, Lord Crichton | | | | | | | | | | | | | | | X | | 1 |
| Sir James Douglas, master of Morton | | | | | | | | | | | | | | | X | | 1 |
| Master Malcolm Drummond | | | | | | X | X | | X | | X | X | X | | | | 6 |
| Adam Edger of Wedderlis | | | | | | | | | | | | X | | | | | 1 |
| John Ellum of Butterdean | | | | | | X | | | | X | X | X | | | | | 4 |
| William Fettes | | | | | | | | | | | | | | | | X | 1 |
| Master David Guthrie of that ilk | X | | | | | | | | | | | | | | | | 1 |
| Sir Archibald Hamilton of Innerwick | | | | | | | X | | | | | | | | | | 1 |
| Alexander Home of that ilk | | | | | | X | X | | | | | X | X | | | | 4 |
| David Home of Spott | | | | | | | | | | | | X | | | | | 1 |
| John Home of Crailing | | | | | | | | | | | | | X | | | | 1 |
| Master Alexander Inglis | | | | X | X | | | | | | | | | | | | 2 |
| Robert Inglis of Lochend | | | | | | | X | X | | | | | | | | | 2 |
| Robert Lauder of Edrington | | | | | | | X | | | | | | | | | | 1 |
| Master George Liddell | | | | X | X | X | | | | | X | | | | | X | 5 |
| Sir James Liddell of Halkerston | | | | X | X | X | | | X | X | X | X | X | X | | | 9 |
| John Liddell | | | | | X | | | | | | | X | | | X | X | 4 |
| Robert Liddell of Balmuir | | X | | | | | | | | | | | | | | | 1 |
| David Lindsay | | | | | | | | | | | | | | | X | | 1 |
| Master James Lindsay | X | | | | | | | | | | | | | | | | 1 |
| William Lindsay | | | | | | | | | | | | | | | X | | 1 |
| Sir John Maxwell of Calderwood | | X | | | | | | | | | | | | | | | 1 |
| Gavin Maxwell | | | | | X | | | | | | | | | | | | 1 |
| Patrick Maxwell | | X | | | | | | | | | | | | | | | 1 |
| John Montgomery of Thornton | | | | | | | | | | | | | | | X | | 1 |
| Robert Muir of Pokelly | | X | | | | | | | | | | | | | | | 1 |
| Adam Murray | | | | | | | | | | | | | | | | | 1 |
| Master Alexander Murray | X | | | | | | | | | | | X | | | | | 1 |
| Cuthbert Murray of Cockpool | | | | | | | X | | | | | | | | | | 1 |
| Peter Murray | | | | | | | | | | | | | | | X | | 1 |
| James Ogile of Pepple | | | | | | | | | | | | X | | | | | 1 |
| David Ranton of Billie | | | X | | X | X | | | X | X | X | X | | | | X | 8 |
| Robert Ross | | | | | | | | | | | | | | | X | | 1 |
| George Rule | | | X | | | | | | | | | X | X | | | | 3 |
| John Rule | | | | | | X | | | | | | X | X | | | | 3 |
| Simon Salmon | | | | | | | | X | X | | | | | | | | 2 |
| Master Martin Wann | | X | | | X | X | | | | | | X | X | | | | 5 |
| Master Archibald Whitelaw | X | | | | | | | | | | | | | | | | 1 |
| John Whitelaw of that ilk | | | | X | | | | | | | | | | | | | 1 |
| No. of witnesses of each charter | 9 | 8 | - | 5 | 5 | 8 | 8 | 6 | 3 | 4 | 5 | 14 | 9 | 3 | 10 | 4 | |

KEY TO TABLE IV

| <u>Grantee:</u> | <u>Source:</u> | <u>Place of Issue:</u> |
|--|--|------------------------|
| 1. (Inspection of a charter by) William Purves of Purvishaugh | SRQ, GD 266/121/bundle 1 | Edinburgh |
| 2. William Redpath | SRQ, GD 158/35 | Edinburgh |
| 3. Sir James Stewart of Auchterhouse, (later earl of Buchan) | <u>HMC Rep. xii</u> , App., part viii, 111, no. 65 | Dunbar Castle |
| 4. Thomas Shoreswood | SRQ, GD 158/40, printed in <u>HMC Rep. xiv</u> , App., part iii, 66, no. 7 | Dunbar Castle |
| 5. John Redpath | SRQ, GD 158/42 | Dunbar Castle |
| 6. Rodger Grierson, son of Vedast Grierson of Lag | <u>Lag. Chrs.</u> , no. 18 | Edinburgh |
| 7. Walter Bertram, burgess of Edinburgh, and Elizabeth Cant his spouse | <u>RMS</u> , ii, no. 1428 | Dunbar Castle |
| 8. John Carruthers, son and apparent heir of John Carruthers of Holmains | SRQ, GD 207/4/5, printed in <u>HMC Rep. vi</u> , App., 711, no. 7 | Lochmaben Castle |
| 9. William Redpath | SRQ, GD 158/47 | Dunbar Castle |
| 10. Alexander Home of that ilk | <u>HMC Rep. xii</u> , App., part viii, 155, no. 235 | Dunbar Castle |
| 11. (Inspection of a charter by) Alexander Beaton of that ilk | <u>HMC Rep. xii</u> , App., part viii, 167, no. 279 | Dunbar Castle |
| 12. George Cunningham of Belton | <u>Yester Writs</u> , no. 191 | Dunbar Castle |
| 13. David Home, son and apparent heir of George Home of Wedderburn | SRQ, GD 267/32/10 | Dunbar Castle |
| 14. Alexander Home of that ilk | <u>HMC Rep. xii</u> , App., part viii, 155, no. 236 | Dunbar Castle |
| 15. William Ker | <u>RMS</u> , ii, no. 1573 | Dunbar Castle |
| 16. Patrick Home of Polwarth | <u>RMS</u> , ii, no. 1745 | Dunbar Castle |

TABLE V: WRITS OTHER THAN CHARTERS DRAWN UP IN THE PRESENCE OF ALEXANDER STEWART, DUKE OF ALBANY

| WITNESSES | DATE OF ISSUE | | | | | No. of attestations per witness |
|-------------------------------------|---------------|-----------------|---------------|-----------------|---------------|---------------------------------|
| | 1) 10 Nov. 67 | 2) 12 Jan. 73/4 | 3) 20 Dec. 75 | 4) 20 Feb. 76/7 | 5) 28 July 77 | |
| Robert, Lord Boyd | X | | | | | 1 |
| Andrew Brayle | X | | | | | 1 |
| William Brown | | | X | | | 1 |
| James Stewart, earl of Buchan | | X | | | | 1 |
| John Cairns of Orchardton | | | X | | | 1 |
| William Cockburn of Newhall | X | | | | | 1 |
| Master Malcolm Drummond | | | X | X | X | 3 |
| John Dunlop | X | | | | | 1 |
| Master James Fenton | | | | X | | 1 |
| Master Alexander Gifford | | X | | | | 1 |
| Alexander Gordon | | | | | X | 1 |
| John Gordon of Lochinvar | | | | | X | 1 |
| Sir Archibald Hamilton of Innerwick | | X | | | | 1 |
| James Herring | | | | X | | 1 |
| Robert Lauder of Edrington | | X | | | | 1 |
| Sir James Liddell of Halkerston | | X | | X | X | 3 |
| Robert Muir of Pokelly | X | | | | | 1 |
| William Querland | X | | | | | 1 |
| David Renton of Billie | | X | X | | X | 3 |
| John Shaw of Carse | | | | | X | 1 |
| William Shaw | | | | | X | 1 |
| Master Martin Wann | | X | | | X | 2 |
| <hr/> | | | | | | |
| No. of witnesses of each writ | 6 | 7 | 4 | 4 | 8 | |

1. Resignation of lands by Walter Herring in favour of William Redpath: SRD, GD 158, no. 37.
2. Resignation of lands by Sir William Douglas of Whittingehame in favour of the earl of Morton: SRD, GD 150, no. 154, printed in Mort. Reg., ii, 219-21.
3. Resignation of lands by Robert Graham of Auchanceastle in the hands of John, Lord Carlyle: HMC Rep., xv, App., part viii, 47-48, no. 92.
4. Indenture between the duke of Albany and Laurence, Lord Oliphant: SRD, GD 12, no. 58.
5. Resignation of lands by Vedast Grierson of Lag in favour of Roger Grierson, his son and apparent heir: Lag. Chrs., no. 29.

Nos. 1-4 were drawn up in Edinburgh. No venue is given for no. 5.

**TEXT BOUND
INTO
THE SPINE**

TABLE VI: ESTATES OF DAVID, FIFTH EARL OF CRAWFORD

| Lands by Sheriffdom | Nat. Grid Ref. | Entails ¹ | | Held ² | | Relief ³ | | | Extents used in 17th cent. ⁴ | | | | | |
|------------------------|------------------------|----------------------|------|-------------------|-------|---------------------|----|----------------|---|----|---|-----|----|---|
| | | 1421 | 1474 | from | until | 1517 | | | Old | | | New | | |
| | | | | | | £ | s | d | £ | s | d | £ | s | d |
| Aberdeens: | | | | | | | | | | | | | | |
| Auchtermillon &c | NJ 944315 | | | | | | | | 10 | 0 | 0 | 30 | 0 | 0 |
| Tillyhilt &c* | NJ 854317 | | X | | | 13 | 6 | 8 | 6 | 0 | 0 | 13 | 6 | 8 |
| Sanff: | | | | | | | | | | | | | | |
| Bauchlaw | NJ 674622 | X | | | 1474 | | | | | | | | | |
| Derwicks: | | | | | | | | | | | | | | |
| Cockburn | NT 767586 | | | 1484 | 1486 | | | | | | | | | |
| Todrig | NT 796420 or 708430 | | | 1484 | 1486 | | | | | | | | | |
| Dunfriess: | | | | | | | | | | | | | | |
| Kirkmichael* | NY 022870 | | X | | | | | | | | | | | |
| Elles: | | | | | | | | | | | | | | |
| Auchtermoonzie | NO 340176 | | | | 1471 | | | | 8 | 0 | 0 | 32 | 0 | 0 |
| Ballinbreich | NO 272201 | | | | x1485 | | | | | | | | | |
| Cambo) * | NO 603114) | X | X | | | 20 | 0 | 0 | 4 | 0 | 0 | 16 | 0 | 0 |
| Newhall) | NO 603107) | | | | | | | | | | | | | |
| Forfar: | | | | | | | | | | | | | | |
| Brechin & Navar | | | | 1473 | 1476 | | | | | | | | | |
| Clova* | NO 321734 | X | | | | 26 | 13 | 4 | 8 | 17 | 9 | 26 | 13 | 4 |
| Downie* | NO 518365 | X | X | | | 82 | 4 | 7 ⁵ | 50 | 0 | 0 | 100 | 0 | 0 |
| Fern* | NO 483616 | | | | | 100 | 0 | 0 | 15 | 0 | 0 | 60 | 0 | 0 |
| Finavon* | NO 496564 | X | X | 1454 | | 66 | 0 | 0 | 40 | 0 | 0 | 66 | 0 | 0 |
| Glensak* | NO 584690 | X | X | | | 255 | 10 | 0 | 50 | 0 | 0 | 200 | 0 | 0 |
| Guthrie* | NO 562505 | X | | | 1465 | | | | | | | | | |
| Inverarity* | NO 452444 | X | | | | 80 | 0 | 0 | 20 | 0 | 0 | 80 | 0 | 0 |
| Kinblethmont* | NO 638470 | | X | | | | | | | | | | | |
| Kirkbuddo* | NO 501434 | | X | | | 18 | 13 | 4 | 3 | 0 | 0 | 12 | 0 | 0 |
| Plater* | | X | X | | | 144 | 13 | 4 | 60 | 0 | 0 | 144 | 13 | 4 |
| Inverness: | | | | | | | | | | | | | | |
| Strathnairn* | NH 726406 | | | 1461 | 1465 | 141 | 13 | 4 | 40 | 0 | 0 | 120 | 0 | 0 |
| Kincardines: | | | | | | | | | | | | | | |
| Newdask* | | X | X | 1469 | | 26 | 13 | 4 | 2 | 0 | 0 | 8 | 0 | 0 |
| Uras* | NO 872815 | X | | | | | | | | | | | | |
| Lanark: | | | | | | | | | | | | | | |
| Crawford* | NS 954213 | | | 1461 | | | | | 133 | 6 | 8 | 200 | 0 | 0 |
| Perth: | | | | | | | | | | | | | | |
| Aberbothrie | NO 239463 | X | | | | | | | | | | | | |
| Alyth* | NO 247483 | | X | 1465 | | 340 | 0 | 0 | 100 | 0 | 0 | 340 | 0 | 0 |
| Balendoch* | NO 287478 | | X | 1465 | | 16 | 13 | 4 | 6 | 13 | 4 | 16 | 13 | 4 |
| Baltroddie*) | | X | X | 1465 | | | | | | | | | | |
| Pitfour) | NO 195211 | | | | | 123 | 0 | 0 | 30 | 0 | 0 | 123 | 0 | 0 |
| Carnbeddie* | NO 149311 | X | X | | | 26 | 13 | 4 | 6 | 0 | 0 | 24 | 0 | 0 |
| Kinclaven | NO 151384 | | | 1488 | | | | | | | | | | |
| Laitfie | NO 258455 | X | | | | | | | | | | | | |
| Meigle* | NO 287446 | X | X | 1465 | | 82 | 0 | 0 | 30 | 0 | 0 | 82 | 0 | 0 |
| Meiginch* | NO 177298 | X | X | 1465 | | 24 | 0 | 0 | 10 | 0 | 0 | 24 | 0 | 0 |
| Ruthven* | NO 288488 | X | X | | | | | | | | | | | |

1. SRO, GD 121/3, bundle 2 (28 Dec. 1421); RMS, ii, no. 1191.
2. ER, ix, 663, 668, 671, 674 (sasines 1454-69); RMS, ii, no. 1111; ER, vii, p. lxx (Brechin & Navar); ER, ix, 519 (Cockburn & Todrig); RMS, ii, no. 1184 (Bauchlaw); Hagh Inventory, ii, 91-2 (Auchtermoonzie); ADC, 102* (Ballinbreich); SRO, GD 188/1/3, no. 1 (Guthrie); NLS, Acc. 5474, bundle 59 (Strathnairn); RMS, ii, no. 1725 (Kinclaven).
3. ER, xiv, 598-600.
4. Retours, i, Fife, no. 196; Forfar, nos. 63, 242, 348, 367; Inverness, no. 62; Kincardine, no. 71; Lanark, no. 309; ii, Perth, no. 75, 189.
5. Relief for Downie also included 35 chalders 6 bolls of victual: ER, xiv, 598.

* = a barony.

TABLE VII: ESTATES OF JAMES, FIRST EARL OF MORTON

The following table makes use principally of the information offered by the two surviving late-medieval rent rolls of parts of the Dalkeith estates. The lands covered in either rental are substantially the same. Sums from the earlier rental, dated 1376 and well-known since its publication by the Bannatyne Club, are entered in the left-hand column.¹ Sums from the later rental, unpublished and in rather poor condition, are entered in the centre column.² This rental is undated, but there is some indication that attributing it to the 1420s might not be too misguided. It was certainly produced after the foundation of Dalkeith Collegiate Kirk; the lands of Spitalhaugh, Ingraston and Lochurd and annual rents of Horsburgh and Kirkurd were earmarked for the support of chaplains serving at the kirk in its foundation charter of 21 June 1406 and all are described in the rental as being in the hands of chaplains.³ The inclusion of Aberdour in the rental shows that it could not have been drawn up until after this particular barony had reverted to the main line of Douglas of Dalkeith. Such an event is unlikely to have occurred until the death of James Douglas of Aberdour - one of the illegitimate sons of James Douglas (I) of Dalkeith - and he was apparently still alive in 1419, although perhaps not remaining so for many years thereafter.⁴ The rental could not have been in use after 26 February 1439/40, on or before which date the lands of Dalfibble and others in the barony of Kirkmichael in Dumfriesshire which

1. Mort. Req., ii, pp. xlvi-lxvii.

2. SRO, GD 150, no. 100a.

3. Mort. Req., ii, 324-8.

4. SP, iv, 349; CDS, iv, no. 890.

appear in the rental were resigned by James Douglas (II) of Dalkeith to the earl of Crawford in favour of Sir William Crichton of that ilk.⁵ The resultant unsatisfactory span of around twenty years seems to defy any attempt to reduce it, for although the rental clearly predates at least three separate alienations of property — the gifts of lands in Kirkmichael to William Livingston, of Moffat to Henry Douglas and of Stonypath in Linton to George Douglas or his predecessor — none of these conveyances can themselves be dated with any precision.⁶ However, it is worth noting that one of the three chaplains of Dalkeith Collegiate Kirk named in the rental — sir John Douglas, prebendary of Lochurd — was in possession of his benefice by 20 December 1420 and probably still in occupation of the same on 15 June 1434.⁷

In the right-hand column are entered, where possible, values of old and new extent. These are mostly drawn from retours of the sixth earl of Morton in 1606 and are total values of whole baronies or groups of properties, although old extents available for smaller pieces of land have been inserted.⁸ The old extents are also used to give an indication of values of properties for which the rentals of 1376 and 1419x1440 are defective and which are known to have been in the hands of the first earl of Morton.⁹

The barony of Buittle and the lands in the barony of Kirkmichael, which were wholly lost to the Dalkeith inheritance before Morton's succession, and with which the rentals of 1376 and 1419x1440 deal, are placed at the end of the table. For

5. RMS, ii, no. 226.

6. SRO, GD 97/2, no. 20; RMS, ii, no. 1138; Mort. Req., ii, 224-6.

7. SRO, GD 150, no. 91; RMS, ii, no. 228.

8. Retours, i, Berwick, Dumfries, Edinburgh, Fife, Haddington, Kirkcudbright, Lanark, Linlithgow; ii, Peebles, Perth — all 4 Nov. 1606. SRO, GD 150, no. 103 is also used.

9. Ibid., no. 234.

Buittle a column of values from the barony's period in the king's hands is added.¹⁰

The order in which properties are listed in the rentals of 1376 and 1419x1440 has been adhered to only in respect of the constituent parts of baronies and tenements — the baronies and tenements have been divided up by sheriffdom. The first membrane of the 1419x1440 roll commences with certain properties which, it has to be admitted, have not been identified and whose rents seem to have been soaked en masse from the parchment. They run as follows: around twenty-four cotlands; more than twelve items, most of which seem to be brewlands; a toun, consisting of nineteen husbandlands, Smythylande, a brewland, an acre of brewland, about twelve cotlands, Spilislande, Derdirland, Saws(sir)land and le Crukitakir. Some names of persons to whom these lands were set can be made out.

Abbreviations used in Table VII:

b = boll

ch = chalder

qr = quarter

IM = in the hands of

IMD = in the Lord's hands

The symbol > = more than

10. ER, viii, 339-40.

TABLE VII: ESTATES OF JAMES, FIRST EARL OF MORTON

| | 1376-8 | 1419x1440 | Old Extant (New Extant) |
|--|-------------------------------|---------------------|---|
| | £ s d | £ s d | £ s d |
| BERWICKSHIRE | | | |
| Barony of Mordington: | | | |
| Mains - | | | |
| 18 husbandlands | 16 0 0 | blank | |
| Mill | 16 0 0 | blank | |
| | | 718 13 4 1 | 3 0 0 (12 0 0 |
| DUMFRIESSHIRE | | | |
| Barony of Morton: | | | |
| Thornhill NX 878954 | 9 6 8 | 9 6 8 | |
| Dabton NX 874974 | 9 6 8 | 9 6 8 | |
| Drumcork NX 882971 | 7 6 8 2 | 8 0 0 | |
| Erschamorton | 6 13 4 | 8 0 0 | |
| Park of Morton | 6 13 4 | 8 0 0 | |
| Laught NX 896944 | 2 3 4 | 2 13 4 | |
| Bellybought NX 90/99 | not cited | 5 6 8 | |
| Mill | 8 0 0 & 3qrs malt | 8 13 4 | |
| | 49 10 0 | 59 6 8 | 60 0 0 |
| Lands of Moffatdale: | | | |
| la Corr | 7 6 8 | 10 0 0 | |
| Newton NT 073107 | 6 13 4 | 10 0 0 | |
| Granton NT 075099 | 7 6 8 | 10 0 0 | |
| Mains of Moffat |) |) | |
| Lands of Torthorwald |) no farm given |) 10 0 0 | |
| Mill of Moffat |) |) | |
| Toun of Moffat - | | | |
| 4 oxgangs | 1 0 0 | | |
| 2 oxgangs | 10 0 | | |
| 5 cotlands | 14 0 | | |
| A house & 1 acre | 6 8 | | |
| | 23 17 4 | 40 0 0 | 40 0 0 |
| Tenement of Hutton sub mora: | | | |
| Hospital of Hutton | | 2 0 0 | |
| Brakanwa | | 2 0 0 | |
| Over Dryfe (annual rent) | 2 0 0 | 2 0 0 | |
| | | 6 0 0 | 160 0 0 |
| FIFE | | | |
| Barony of Aberdour: | | | |
| Dalachy NT 205861 | 5 13 4 & 1/2 ch oats | 6 13 4 | |
| Telny | 5 13 4 | 5 13 4 | |
| Smithylands | 2 3 4 | 2 3 4 | |
| Cotland | 2 6 8 | 2 4 0 | |
| One brewland | 1 0 0 | 13 4 | |
| Eqlismart(in) 3 | no farm given | I M 0 | |
| The Murrel NT 188866 | 2 0 0 | 2 0 0 | |
| Brego | 1 0 0 | 1 0 0 | |
| Mains | 10 13 4 & 16b bere | I M 0 | |
| Another brewland | 1 0 0 | 1 0 0 | |
| A house, garden & 7 acres |) | 1 0 0 | |
| A house & garden |) | 4 0 0 | |
| House of Tempilland |) not cited | 4 0 0 | |
| 3 acres on Eqlismart(in) |) | 8 0 0 | |
| A house & 1 acre |) | 5 0 0 | |
| | 31 10 0 & 4 sheep, 24 hens | 23 14 4 | |
| Lands in the constabulary of Kinghorn: | | | |
| East Balbarton NT 241914 | 5 0 0 6 & 1qr oats | 6 13 4 | |
| West Balbarton NT 235912 | 5 6 8 & 1qr oats | 6 13 4 | |
| Mill of Balbarton | 3 6 8 | 4 0 0 | |
| la Meadow | 10 0 | no farm given | |
| Wodfelde | I M 0 | 20 0 0 | |
| | 14 3 4 | > 37 6 8 | 20 0 0 (80 0 0) Aberdour & Kinghorn |
| Annual rent from the constabulary of Kinghorn: | | | |
| Tyrie NT 273892 |) |) | |
| Seafield NT 275885 |) 5 6 8 & 3ch wheat |) 5 6 8 & 3ch wheat | |
| Grange NT 270885 |) |) | |

| | 1376-8 | 1419x1440 | Old Extent (New Extent) |
|--------------------------------|-----------------|-------------------|----------------------------|
| | £ s d | £ s d | £ s d |
| KIRKCUOBRIGHTSHIRE | | | |
| Barony of Preston: | | | |
| Ladyland NX 963577 | not cited | 8 0 0 | |
| Toun of Preston NX 967563 | 12 0 0 | 24 0 0 | |
| Glenewalchafe | 8 0 0 | 8 0 0 | |
| Mill of Preston NX 9655767 | 3 6 8 | 8 0 0 | |
| | 23 6 8 | 48 0 0 | |
| Barony of Borques: | | | |
| | not cited | not cited | 60 0 0 |
| | | | 20 0 0 |
| LAMARKSHIRE | | | |
| Barony of Robertson: | | | |
| | " " | " " | 38 0 0 |
| | | | (172 0 0 |
| Lands in the barony of Bigger: | | | |
| Edmondston | " " | 14 13 4 | |
| Maine thereof | | 6 13 4 | |
| Mill thereof | | 2 13 4 | |
| | | 24 0 0 | |
| | | | 10 0 0 |
| | | | (40 0 0) |
| LOTHIAN | | | |
| Barony of Calderclero: | | | |
| Barony of Dalkeith: | not cited | not cited |) |
| Barony of Carleton-Dunings: | " " | " " |) |
| Barony of Whittingehame | " " | " " |) (40 0 0 |
| | | | (160 0 0) |
| | | | 6 13 4 |
| | | | (26 13 4) |
| Lands in West Calder: | | | |
| Dechaont | " " | " " |) |
| Howden | | |) (6 13 4 |
| | | | (26 13 4) |
| Lands of Hawthornayke | | | |
| | " " | " " | 1 0 0 |
| | | | (4 0 0) |
| PEEBLESSHIRE | | | |
| Barony of Kilbucko: | | | |
| Is Row | | | |
| Blindewing NT 075340 | 10 6 8 | 6 13 4 | |
| Toun of Kilbucko ?NT 066336 | 8 0 0 & 12 hens | 6 5 0 | |
| Cotlands | 3 0 0 & 20 days | 14 0 0 | |
| Gillilandie, 2 cotlands | 1 6 8 & 8 days | | |
| Brewland, 2 cotlands | 16 8 | | |
| Wetland | 5 0 | | |
| Mill | 3 6 8 & 1 pig | 7 10 0 | |
| East Main 7NT 092355 | 13 16 8 | 16 13 4 | |
| Is Orcharde | 13 16 8 | > 12 0 | |
| West Main 7NT 092355 | 54 5 0 | > 15 6 8 | |
| | | > 67 10 0 | |
| | | | 66 13 4 |
| | | | (266 13 4) |
| Barony of Linton: | | | |
| Toun of Linton NT 150520 - | | | |
| 18 oxgangs | 10 13 4 | 15 0 0 & 2ch oats | |
| 3 cotlands | no farm given | 15 0 | |
| Brewlands, 1 cotland | 18 0 7 | 1 13 4 | |
| Swynburnlands, 2 oxgangs | 2 0 0 | 3 6 8 | |
| Mollislandie, 4 oxgangs | 5 0 0 | 6 13 4 | 2 13 4 ⁸ |
| Beddinggill NT 126548 | not cited | 6 13 4 | |
| Stonypath NT 142534 | 4 6 8 | 9 6 8 | |
| Whitfield NT 168530 | 1 0 0 | 2 0 0 | 9 6 8 ⁹ |
| Medwyn NT 142522 or 132491 | 23 18 0 | 45 8 4 | 25 0 0 |
| | | | (100 0 0) |
| Barony of Newlands: | | | |
| Bordlands NT 156467 | | | |
| Brewland | 5 6 8 | 6 13 4 | |
| Whiteside NT 164463 | 1 6 8 & 6 hens | 8 13 4 | |
| Glanmothe | 1 M 0 | 13 6 8 | |
| Flemington NT 166451 | 6 13 4 | illeg. | |
| Fremanisland | 12 0 0 | not cited | |
| Calthrops | 1 0 0 | 6 5 0 | |
| Orochill NT 162434 | 5 0 0 & 2 sheep | 5 16 8 | |
| Mill of Newlands | 4 0 0 | 0 0 0 2ch wheat | |
| | 2 0 0 & 1 pig | > 40 15 0 | |
| | 26 6 8 | | 40 0 0 |
| | | | (160 0 0) |

| | 1376-8 | | | 1419x1440 | | | Old Extent (New Extent) | | |
|---|----------|----|---|-------------------------|----|-----------------|----------------------------|----|-----|
| | £ | s | d | £ | s | d | £ | s | d |
| Other lands - | | | | | | | | | |
| Eshials NT 279399: | | | | | | | | | |
| Westirtoune | 12 | 0 | 0 | 12 | 0 | 0 | | | |
| Estirtoune | 8 | 0 | 0 | 8 | 0 | 0 | | | |
| | 20 | 0 | 0 | 20 | 0 | 0 | | | |
| + grassum: £1 | | | | + grassum: £2 | | | | | |
| Fethan 7NT 30/32 | 10 | 0 | 0 | not cited ¹⁰ | | | 10 | 0 | 0 |
| Quilt 7NT 10/27 | 10 | 0 | 0 | | | | (40 | 0 | 0) |
| | | | | | | | 5 | 0 | 0 |
| | | | | | | | 5 | 0 | 0 |
| | | | | | | | 10 | 0 | 0 |
| Kirkurd NT 127442 | 5 | 0 | 0 |) I M air | | | | | |
| Lochurd NT 113431 | 8 | 0 | 0 |) John Douglas | | | | | |
| | 13 | 0 | 0 | | | | | | |
| Annual rents (all sterling) ¹² | | | | | | | | | |
| Horsburgh NT 304395 | excepted | | | 6 | 13 | 4 | 6 | 13 | 4 |
| Kailjis NT 282385 | 6 | 13 | 4 | 6 | 13 | 4 | 6 | 13 | 4 |
| Newby | 4 | 0 | 0 | 4 | 0 | 0 | 4 | 0 | 0 |
| | 10 | 13 | 4 | 17 | 6 | 8 ¹³ | 17 | 6 | 8 |
| PERTHSHIRE | | | | | | | | | |
| Kinnoull NO 136228: | | | | | | | | | |
| Pettulane | | | | 4 | 0 | 0 | | | |
| Gannochy NO 124246 | | | | 2 | 13 | 4 | | | |
| Pottarlands | | | | | 13 | 4 | | | |
| Tay fishing | | | | 5 | 6 | 8 | | | |
| | 18 | 13 | 4 | 12 | 13 | (4) | | | |
| | | | | | | | 3 | 6 | 8 |
| | | | | | | | (13 | 6 | 8) |

Barony of Buittle:

| | 1376-8 | | | 1419x1440 | | | 1475-6 ¹⁴ | | | Old Extent | | |
|-----------------------------|-----------|----|-----------------|-----------------|----|---|----------------------|----|-----------------|------------|---|---|
| | £ | s | d | £ | s | d | £ | s | d | £ | s | d |
| Glenlarbene | | 6 | 8 | | 6 | 8 | | | | | | |
| Marenach | 1 | 0 | 0 | | 0 | 0 | not cited | | | | | |
| Barchain NX 809584 | 1 | 0 | 0 | 1 | 0 | 0 | 1 | 3 | 4 | | | |
| Almorness NX 825536 | 10 | 0 | 0 | no farm given | | | 1 | 0 | 0 | | | |
| Castlegower NX 788594 | 6 | 0 | 0 ¹⁵ | 10 | 0 | 0 | 12 | 0 | 0 | | | |
| Chapeltoyne Bregauchlug | 6 | 6 | 8 | 6 | 13 | 4 | 6 | 13 | 4 | | | |
| Half of Bregauchlug | | | | 3 | 6 | 8 | 3 | 6 | 8 | | | |
| (Meikle) Brooch NX 783599 - | | | | 3 | 6 | 8 | 3 | 6 | 8 ¹⁶ | | | |
| 1st quarter | | | | 3 | 6 | 8 | | | | | | |
| 2nd quarter | | | | 3 | 6 | 8 | | | | | | |
| 3rd quarter | 13 | 0 | 0 | I M Jas Douglas | | | 6 | 13 | 4 ¹⁷ | | | |
| 4th quarter | | | | 3 | 6 | 8 | | | | | | |
| Meikle Knox NX 797624 | | | | 4 | 3 | 4 | 4 | 0 | 0 | | | |
| Little Knox NX 803606 | 4 | 3 | 4 | | | | 4 | 0 | 0 | | | |
| Saloredane | 5 | 0 | 0 | illeg. | | | 9 | 6 | 8 | | | |
| Logan NX 807634 & 813632 | 6 | 13 | 4 | 7 | 0 | 0 | 6 | 13 | 4 | | | |
| Potterbully | | | | 76 | 0 | 0 | not cited | | | | | |
| Halketleatha NX 797636 | 3 | 6 | 8 | 8 | 0 | 0 | 2 | 13 | 4 | | | |
| Toun of Buittle 7NX 807600 | 7 | 13 | 4 | 3 | 6 | 8 | 6 | 13 | 4 | | | |
| Munches NX 830589 | 3 | 13 | 4 | | | | 4 | 0 | 0 | | | |
| Corwarde | 3 | 0 | 0 ¹⁸ | 2 | 13 | 4 | 4 | 0 | 0 | | | |
| Tynness | | | | | 13 | 4 | not cited | | | | | |
| Cullinaw NX 805596 | | | | I M Fergus | | | 13 | 4 | | | | |
| Mill of Buittle 7NX 813644 | not cited | | | Macdonald | | | 6 | 0 | 0 | | | |
| | 71 | 16 | 8 | > 78 | 16 | 0 | > 82 | 3 | 4 | | | |
| | | | | | | | | | | 80 | 0 | 0 |

Lands in the barony of Kirkmichael:

| | | | | | | | | | | | | |
|-----------------------|----|----|---|-----------|----|---|--|--|--|----|---|-----------------|
| Dalfibble NY 044860 - | | | | | | | | | | | | |
| 14 husbandlands | 17 | 6 | 8 | 18 | 13 | 4 | | | | | | |
| Mill of Dalfibble | 8 | 0 | 0 | 5 | 6 | 8 | | | | | | |
| Garrel NY 055904 | 10 | 0 | 0 | 10 | 13 | 4 | | | | | | |
| Meikleholme NY 044891 | | | | 5 | 0 | 0 | | | | | | |
| Auchenekew NY 036915 | 8 | 0 | 0 | 2 | 0 | 0 | | | | | | |
| le Knokkis | | | | 1 | 0 | 0 | | | | | | |
| Hollin NY 052930 | 3 | 13 | 4 | | | | | | | | | |
| Rashills NY 063943 | 2 | 0 | 0 | not cited | | | | | | | | |
| Minnygap NY 043967 | 2 | 13 | 4 | | | | | | | 20 | 0 | 0 ¹⁹ |
| Crunchatoun | 3 | 6 | 8 | | | | | | | | | |
| | 55 | 0 | 0 | 42 | 13 | 4 | | | | | | |

Footnotes:

1. This figure is supplied from the 1376 rental, being the sum to which Mordington's farm was to rise in the last year of a three-year tack.
2. The rent was to rise to £8 in the second year of a two-year tack.
3. Inchcolm Chrs., 150.
4. Ibid., 193.
5. The livestock was the joint responsibility of the tenants of Aberdour and West Balbarton.
6. This sum was to rise to £5 6s 8d in the second year of a two-year tack.
7. This sum was to rise to £1 in the second year of a two-year tack.
8. Mort. Req., i, p. 11.
9. Fourteen marks is given as the old extent: SRO, GD 150, no. 100a.
10. These lands were in the hands of chaplains of Dalkeith Collegiate Kirk: Mort. Req., ii, 324-8.
11. These figures are given merely as 'extent'. The old extent may have been 20 marks: ibid., 325.
12. SRO, GD 150, no. 234.
13. The whole of this sum was said to be committed to chaplains at Dalkeith Collegiate Kirk.
14. ER, viii, 339-40.
15. This sum was to rise to £6 13s 4d in the last year of a three-year tack.
16. Cragtouna in the 1476 rental is taken to represent half of Bregauchlug.
17. This sum was probably for only half of Breoch.
18. This sum was to rise to £3 6s 8d in the last year of a three-year tack.
19. SRO, GD 97/2, no. 20, which shows also that the lands were worth 20 marks in January 1460/1.

TABLE VIII. PROPERTY OF THE EARLDOM OF MARCH

| | 1456-7 | | | 1466-7 | | | 1483-6 | | |
|-------------------------|-----------|----|----|-----------|----|----------------|----------------------|----|-----------------|
| | £ | s | d | £ | s | d | £ | s | d |
| Birgham: | | | | | | | | | |
| Meikle Birgham | not cited | | | 50 | 0 | 0 | 50 | 0 | 0 |
| Birghamshields | } 40 | 0 | 0 | 40 | 0 | 0 | 40 | 0 | 0 |
| Lochton (Lochbirgham) | | | | | | | | | |
| Fishing | not cited | | | not cited | | | victual ¹ | | |
| Chirnside: | | | | | | | | | |
| Toun | 42 | 11 | 8 | 31 | 15 | 0 | 32 | 0 | 0 |
| Mill | not cited | | | not cited | | | 4 | 0 | 0 |
| 'New lands' | " | " | | " | " | | 1 | 11 | 2 |
| Mains (two-thirds) | " | " | | " | " | | 4 | 8 | 10 |
| Cockburn | " | " | | 20 | 0 | 0 ² | 20 | 0 | 0 |
| barony of Cockburnspath | 40 | 0 | 0 | 40 | 2 | 4 ³ | 56 | 6 | 2 ⁴ |
| Doonshial | 1 | 0 | 0 | 1 | 0 | 0 | not cited | | |
| Dunbar Mains: | | | | | | | | | |
| East Barne | 40 | 0 | 0 | victual | | | 40 | 0 | 0 |
| West Barne | 40 | 0 | 0 | " 5 | | | 40 | 0 | 0 |
| Dunbar Mills: | | | | | | | | | |
| East Barne | 5 | 6 | 8 | 5 | 6 | 8 | 5 | 6 | 8 |
| West Barne | 8 | 0 | 0 | 8 | 0 | 0 | 8 | 0 | 0 |
| Dunel' | | | | | | | | | |
| Toun | 18 | 18 | 8 | 17 | 19 | 6 | 22 | 0 | 0 |
| Cotlands | not cited | | | not cited | | | 12 | 0 | 8 |
| 'New lands' | " | " | | " | " | | 1 | 6 | 8 |
| Park | " | " | | " | " | | 10 | 0 | 0 |
| Forest of Dye | 10 | 0 | 0 | 10 | 0 | 0 | 10 | 0 | 0 |
| lordship of Earliston | 50 | 17 | 10 | 47 | 11 | 0 | 59 | 10 | 0 ⁶ |
| Graden | 10 | 0 | 0 | 10 | 0 | 0 | 10 | 0 | 0 |
| Greenlaw: | | | | | | | | | |
| Toun | } 35 | 10 | 0 | 36 | 12 | 0 | 30 | 19 | 8 |
| Mill | | | | | | | 6 | 13 | 4 |
| Greenlawdean | not cited | | | not cited | | | 6 | 0 | 0 |
| Greenlawkaim | " | " | | " | " | | 3 | 0 | 0 |
| Hardens | 6 | 13 | 4 | 6 | 13 | 4 | not cited | | |
| Hirsel | 26 | 13 | 4 | 26 | 13 | 4 | 26 | 13 | 4 |
| Kidehiel | 5 | 6 | 8 | 5 | 6 | 8 | 5 | 6 | 8 |
| Leitholm: | | | | | | | | | |
| Toun | 53 | 0 | 0 | } 59 | 6 | 8 | 73 | 0 | 0 |
| Mill | not chgd. | | | | | | | | |
| Mersington: | | | | | | | | | |
| Toun | 18 | 0 | 0 | } 20 | 0 | 0 | 20 | 0 | 0 |
| Mill | not chgd. | | | | | | 3 | 0 | 0 |
| Newtonless | 8 | 13 | 4 | 8 | 13 | 4 | 8 | 13 | 4 |
| Oxwelldean | 5 | 6 | 8 | 3 | 6 | 8 | 3 | 6 | 8 |
| Little Pinkerton | 10 | 0 | 0 | 10 | 0 | 0 | 10 | 0 | 0 |
| Meikle Pinkerton | 40 | 0 | 0 | 40 | 0 | 0 | 40 | 0 | 0 |
| Pitcox | 20 | 0 | 0 | 20 | 0 | 0 | 20 | 0 | 0 |
| Plandernethy | not cited | | | not cited | | | 5 | 0 | 0 |
| Rig & Flurie | 3 | 0 | 0 | 3 | 0 | 0 | 3 | 0 | 0 |
| Little Spott | 15 | 0 | 0 | 13 | 6 | 8 | not cited | | |
| Todrig | not cited | | | not cited | | | 15 | 0 | 0 |
| Upsettlington | " | " | | " | " | | 10 | 0 | 0 |
| Whittingehams mill | " | " | | 5 | 6 | 8 | 5 | 6 | 8 |
| TOTAL | 553 | 18 | 2 | 539 | 19 | 10 | 717 | 9 | 10 ⁷ |
| | | | | + victual | | | + victual | | |

Source: ER, vi, 53-55, 333-4, 429-31; vii, 491-3; ix, 427-32.

Footnotes /

Footnotes for table VIII:

1. 196 salmon over three years, and 72 in 1486-7: ER, ix, 518.
2. Cockburn was charged at £13 6s 8d until 1460: ER, vi, 624.
3. Grassums, worth £40 over three years, were introduced in 1464: ER, vii, 317.
4. The mains of Cockburnspath was set for one chalder of oats by this time: ER, ix, 432.
5. 10 chalders of wheat, 10 chalders of bere from East Barns and 8 chalders of wheat, 8 chalders of bere from West Barns.
6. This sum included rents from Philpstoun, a hitherto unmentioned pendencia of Earlstoun.
7. This total is fictitious - Dunbar Mains, Meikle Pinkerton, and possibly Little Pinkerton as well were included in the money charge, but were not actually set for a cash rent.

TABLE IX: PROPERTY OF THE LORDSHIP OF ANNANDALE

| | | 1464-5 ¹ | | | 1500-1 ² | | |
|-------------------------------|-----------|---------------------|----|---|-------------------------|----|----------------|
| | | £ | s | d | £ | s | d |
| Lochmaben Mains | NY 088807 | 10 | 0 | 0 | 10 | 0 | 0 |
| Hightae | NY 093788 | 10 | 0 | 0 | 10 | 0 | 0 |
| Smallholm | NY 098774 | | | | | | |
| fishing of R. Annan | | 10 | 0 | 0 | 10 | 0 | 0 |
| wood of Woodcock Air | NY 170722 | 2 | 0 | 0 | 2 | 0 | 0 ³ |
| <u>Feryland</u> | | 3 | 6 | 8 | 6 | 13 | 4 |
| wood of Cocklicks | NY 119688 | 6 | 8 | | 6 | 8 | 8 ⁵ |
| wood of Piehills ⁴ | | | | | | | |
| Northfield | NY 198682 | 6 | 8 | | 6 | 8 | |
| <u>Balye Akir</u> | | 3 | 4 | | 3 | 4 | |
| <u>Prikkait Akir</u> | | | | | | | |
| <u>Brigholm</u> | | 10 | 0 | | 10 | 0 | |
| TOTAL | | 36 | 13 | 4 | 40 | 3 | 4 |
| | | | | | + 32 marts ⁶ | | |

-
1. ER, vii, 308-9.
 2. ER, xi, 340*-1*.
 3. Ferms of the foggage and herbage (vert) thereof.
 4. In the parish of Ruthwell.
 5. Ferms of the herbage thereof.
 6. '*... the best marts of the thirty-two parishes within the lordship of Annandale*'.

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| | |
|---------|-----------------------------------|
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| GD1/967 | Renton of Lamberton |
| GD6 | Biel Muniments |
| GD12 | Swinton of Swinton Charters |
| GD16 | Airlie Muniments |
| GD25 | Ailsa Muniments |
| GD26 | Leven and Melville Muniments |
| GD33 | Haddo Muniments |
| GD45 | Dalhousie Muniments |
| GD52 | Lord Forbes Muniments |
| GD97 | Edmonstone of Duntreath Muniments |
| GD103 | Society of Antiquaries |
| GD120 | Lawson of Carnmuir Papers |
| GD121 | Steuart Fotheringham of Murthly |
| GD124 | Mar and Kellie |
| GD150 | Morton Papers |

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